

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

ALAN DERSHOWITZ,

Defendant.

Civil Action No. 19-cv-03377-LAP

**ANSWER WITH AFFIRMATIVE DEFENSES AND COUNTERCLAIMS**

Defendant Alan Dershowitz (“Dershowitz”) hereby answers the Complaint of Plaintiff Virginia Roberts Giuffre (“Giuffre”) and asserts Affirmative Defenses and Counterclaims as follows:

**ANSWER**

**NATURE OF THE ACTION**

1. This paragraph contains a characterization of Giuffre’s Complaint as to which no response is required. To the extent a response is required, Dershowitz denies that he has made any defamatory statements of and concerning Giuffre.

2. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph, except that it is denied that Giuffre was 16 when she was first introduced to Jeffrey Epstein, as records demonstrate she was 17.

3. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

4. Denied that Dershowitz acted “in concert” with Epstein. The remainder of this paragraph purports to quote from a document which speaks for itself, and thus no response is required. To the extent a response is required, Dershowitz lacks knowledge or information sufficient to admit or deny the remaining allegations of this paragraph.

5. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

6. Admitted that Dershowitz was for a period of time an attorney for Epstein. The remaining allegations of this paragraph are denied.

7. Admitted that pursuant to his duties as Epstein’s criminal defense attorney, Dershowitz defended Epstein as his client, not friend, including, where appropriate, by challenging the credibility of some Epstein accusers. Denied that Dershowitz “falsely” attacked anyone, or made any comments directed at Giuffre. Further answering, Giuffre was not among Epstein’s original accusers and Dershowitz was not aware of her existence during the time he was representing Epstein. The remaining allegations of this paragraph are denied.

8. Admitted that Dershowitz defended Epstein as his retained criminal defense attorney. Denied that Dershowitz actively participated in the drafting of the non-prosecution agreement (“NPA”) or that he pressured the government to do anything it did not agree to do of its own accord. Dershowitz lacks knowledge or information sufficient to admit or deny what the government did or did not tell Epstein’s victims. Denied that Dershowitz was a “co-conspirator” of Epstein or one of the “potential co-conspirators” referenced in the NPA. Further answering, the reference to potential co-conspirators in the NPA was to four named individuals and other unnamed but identified individuals who the government alleged procured underage females for Epstein. If the government believed Dershowitz was a co-conspirator, they never would have

permitted him to represent Epstein in the investigation as that would have been a conflict of interest.

9. This paragraph refers to a document which speaks for itself, and thus no response is required.

10. Dershowitz lacks knowledge or information sufficient to admit or deny the allegations of the first sentence. The allegations of the second and third sentences refer to a document which speaks for itself, and thus no response is required. Dershowitz denies the allegations against him contained in the Joinder Motion. Further answering, the court in the CVRA Action struck as a “sanction” the allegations against Dershowitz in the Joinder Motion because they were “impertinent and immaterial.”

11. Admitted that Dershowitz publicly denied the false accusations against him contained in the CVRA Joinder Motion and questioned the ethics of Giuffre’s lawyers, and the motives of Giuffre and her lawyers in making those accusations. Dershowitz lacks knowledge or information sufficient to admit or deny the allegations of the third and fourth sentences. The fifth sentence refers to court records which speak for themselves, and thus no response is required. To the extent a response is required, Dershowitz denies the allegations referred to therein.

12. Admitted that a settlement was reached and that the parties agreed the terms of the settlement would be kept confidential.

13. Admitted that the *Miami Herald* published a series of articles beginning in November 2018, which articles speak for themselves. Dershowitz denies any allegations of corruption and sexual abuse as it relates to Dershowitz and contained therein. Dershowitz lacks knowledge or information sufficient to admit or deny the allegations concerning any investigation conducted by the *Miami Herald*. Admitted that Dershowitz responded to Giuffre’s false

accusations against him published by the *Miami Herald*. Denied that Dershowitz's response was false or defamatory, or that the purpose of the response was anything other than to defend his reputation against Giuffre's malicious lies.

14. Admitted that Dershowitz has made clear that Giuffre has committed perjury, that together with her lawyers she engaged in a scheme to falsely accuse him of sex trafficking as part of a criminal attempt to extort a settlement from another party. Further answering, Dershowitz's central assertion includes: that he never met or had any contact with Giuffre as she falsely claims; that she has falsely accused him of heinous acts which never happened; and that she never accused Dershowitz until she met her lawyers and was told she could profit from accusing him. Otherwise, denied.

15. Denied.

16. Denied that Dershowitz's statements are false. The remainder of this allegation is nonsensical in light of this denial, and therefore no response is required.

17. Admitted that Dershowitz made these statements, the content of which speak for themselves, but denied that they are false, defamatory, were made with malice, or made on behalf of Epstein.

18. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, denied in the form alleged as to Dershowitz. Dershowitz lacks knowledge or information sufficient to admit or deny the allegations as they relate to Epstein.

19. Admitted that Dershowitz has stated publicly that he welcomes a trial at which a jury will conclude that Giuffre is a liar, perjurer and extortionist in making her allegations against him. The remaining allegations of this paragraph are denied, including that Dershowitz said he would waive the statute of limitations so that Giuffre "could sue him". Further answering,



Dershowitz has made clear that as a civil libertarian and law professor he also feels compelled to present and preserve all First Amendment defenses including the self-defense privilege and the statute of limitations.

20. Denied.

21. Admitted that Dershowitz has made recent statements about Giuffre in response to his being attacked including the statement quoted. Denied that Dershowitz believed Giuffre would not be prepared to engage in litigation because she lives in Australia.

22. Denied in the form alleged except admitted that Dershowitz now has the ability to seek justice and vindication for himself in regard to Giuffre's false allegations while seeking damages from Giuffre for her and her lawyers' tortious conduct.

#### **JURISDICTION AND VENUE**

23. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, denied.

24. Denied.

25. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, denied in the form alleged. It is denied that Dershowitz abused Giuffre or anyone else in New York City or elsewhere.

26. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, denied.

#### **PARTIES**

27. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, Dershowitz lacks knowledge or information sufficient to admit or deny the allegations of this paragraph.

28. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, denied in the form alleged.

29. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph in the form alleged. Further answering, Epstein is not a party to this action and is deceased.

### **FACTUAL ALLEGATIONS**

30. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

31. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

32. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

33. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

34. The first three sentences of this paragraph refer to documents which speak for themselves, and thus no response is required. Denied that Dershowitz was a “close friend” of Epstein’s. The fourth sentence is denied. The fifth sentence is denied. The sixth sentence is denied in the form alleged.

35. The first sentence is denied in the form alleged, except that it is admitted that Dershowitz was for a period of time an attorney for Epstein. The second sentence refers to a document which speaks for itself, and thus no response is required.

36. Denied.

37. This paragraph does not pertain to Dershowitz and therefore no response is required. If a response is required, it is admitted that Epstein pled guilty to procuring a minor for prostitution and was a registered sex offender prior to his death.

38. This paragraph refers to a document which speaks for itself, and thus no response is required.

39. This paragraph refers to a document which speaks for itself, and thus no response is required.

40. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph, which does not pertain to him.

41. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph, except that it is admitted that he was a member of Epstein's criminal defense team at the time.

42. This paragraph refers to a document which speaks for itself, and thus no response is required.

43. This paragraph refers to a document which speaks for itself, and thus no response is required.

44. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

45. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

46. Dershowitz lacks knowledge or information sufficient to admit or deny this paragraph.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied that Dershowitz's statements were false or that Epstein had any involvement with the statements whatsoever. Dershowitz lacks knowledge or information sufficient to admit or deny how listeners interpreted his statements. Dershowitz lacks knowledge or information sufficient to admit or deny allegations pertaining to Epstein. The remaining allegations of this paragraph are admitted. Further answering, it is true that Giuffre is a liar, a perjurer and an extortionist.

52. Dershowitz lacks knowledge or information sufficient to admit or deny the allegations of this paragraph, except it is denied that Dershowitz worked in concert with Epstein to discredit Giuffre's accusations.

53. The allegations of this paragraph pertaining to Dershowitz are denied. Dershowitz lacks knowledge or information sufficient to admit or deny the allegations pertaining to Epstein, except that is denied that Dershowitz in any way conspired or collaborated with Epstein in regard to Dershowitz's statements concerning Giuffre.

54. Denied.

55. This paragraph refers to documents which speak for themselves, and no response is required. To the extent a response is required, Dershowitz admits he made the referenced statements. It is denied that these statements were a lie or that Dershowitz attempted to "conceal" his relationship with Epstein. Dershowitz lacks knowledge or information sufficient to admit or deny the allegations pertaining to Epstein.

56. Denied that Dershowitz sought to conceal his relationship with Epstein or that he repeatedly asserted that he only visited Epstein's Palm Beach residence once. Dershowitz lacks knowledge or information sufficient to admit or deny the remaining allegations of this paragraph.

57. Admitted that Dershowitz has repeatedly asserted that he was never in Epstein's residence in the presence of underage females. Further answering, that is the truth. Dershowitz lacks knowledge or information sufficient to admit or deny the remaining allegations of this paragraph, including but not limited to the allegations pertaining to Epstein.

58. This paragraph refers to a document which speaks for itself, and thus no response is required. To the extent a response is required, Dershowitz lacks knowledge or information sufficient to admit or deny the allegations of this paragraph.

59. This paragraph refers to a document which speaks for itself, and thus no response is required. To the extent a response is required, the allegations Ms. Farmer makes concerning Dershowitz are false, and they are denied. Giuffre and her lawyers at Boies Schiller Flexner LLP have suborned perjury by submitting Ms. Farmer's Affidavit in this action. Upon information and belief, Ms. Farmer never saw Dershowitz in Epstein's New York residence because her employment with Epstein ended months before Dershowitz ever set foot in Epstein's New York residence.

60. Denied.

61. Denied that Dershowitz sought to conceal his relationship with Epstein or lied about anything concerning Giuffre. Admitted that Dershowitz has records which prove that he was not in the places at the times where and when Giuffre claims to have had sex with him. Dershowitz's records are not selective, incomplete or revised. They are American Express records, travel records and other third-party documentation, which were inspected for authenticity by former FBI

Director Louis Freeh and his investigators. They were also reviewed by Giuffre's attorneys who concluded that it would have been impossible for Dershowitz to have been in the places where and when Giuffre allegedly had sex with him, and that Giuffre was "wrong... simply wrong" in accusing Dershowitz.

62. Denied. Further answering, Dershowitz lacks knowledge or information sufficient to admit or deny the allegations pertaining to Epstein.

63. Denied. Further answering, no inference can be drawn against Dershowitz based on Ross's and Marcinkova's invocations of their Fifth Amendment privileges.

64. The allegations of this paragraph refer to documents which speak for themselves, and no response is required. To the extent a response is required, the assertions contained in those documents are denied.

65. Denied. Dershowitz never stated that he "always" flew with his wife. He generally flew with his wife, but has publicly stated on several occasions that he flew alone, with fellow lawyers, or with his nephew or others. The Victoria's Secret model who was on the plane with Dershowitz was in her mid-twenties and there is no evidence or suggestion that she was on the plane for any improper reason, nor did Dershowitz witness or engage in any inappropriate conduct with her or any other individuals.

66. Denied. Dershowitz has never stated or implied that he literally never received a massage from anyone. He has had dozens of therapeutic massages throughout his life. He has truthfully stated that he never had a sexual massage from Giuffre or anyone else in any of Epstein's homes.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Admitted that David Boies told Dershowitz that based on the documentation he provided, it was impossible for Giuffre's accusations against him to be true. Otherwise, denied.

72. Denied.

73. The allegations of this paragraph refer to documents which speak for themselves, and no response is required. To the extent a response is required, denied.

74. Admitted that after David Boies told Dershowitz that, based on the documentation he provided it was impossible for Giuffre's accusations against Dershowitz to be true, Boies later attempted to reverse his admission and stated that Giuffre would not be withdrawing her false accusations. Otherwise, denied.

75. Denied.

76. Denied.

77. The allegations of this paragraph refer to documents which speak for themselves, and no response is required. To the extent that a response is required, it is denied that Dershowitz "pleaded" with Boies.

78. Denied.

79. Denied.

80. Denied. Dershowitz never met Ransome and never had an attorney-client relationship with her. The remaining allegations of this paragraph refer to a document (Ransome's perjured affidavit), which speaks for itself and thus no response is required. To the extent that a response is required, Dershowitz denies the false allegations made against him by Ransome in her affidavit.

81. Admitted that Dershowitz truthfully asserted that he never had sex with Ransome, never represented her as an attorney, and never met her. Admitted that Dershowitz asserted that Ransome's statements about him were fabricated. The remaining allegations of this paragraph are denied.

82. Denied that Dershowitz claimed he prevailed in the Edwards and Cassell lawsuit as it was resolved by a settlement. He has instead stated that he was vindicated by the investigation conducted by Louis Freeh and his associates, the Court's decision to strike Giuffre's allegations against him in the CVRA Action, and Edwards' and Cassell's admission that "it was a mistake to have filed sexual misconduct accusations against Dershowitz." The remaining allegations of this paragraph refer to a document which speaks for itself, and no response is required. To the extent a response is required, denied.

83. Denied. Further answering, Dershowitz insists that the terms of the settlement with Edward and Cassell remain confidential because that is the agreement reached by all parties. Complying with an agreement is not an admission of guilt.

84. Admitted that Dershowitz has stated his innocence will be proven at any trial. Otherwise, denied.

#### **COUNT I DEFAMATION**

85. Dershowitz restates and incorporates by reference all prior responses. The remaining allegations of this paragraph are denied.

86. Denied.

87. Denied.

88. Denied.

89. Denied.



90. Denied.

91. Denied.

92. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, denied.

93. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, denied.

94. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, denied.

95. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, denied

96. This paragraph asserts a legal conclusion to which no response is required. To the extent a response is required, denied.

97. Denied.

98. This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Denied.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Giuffre's Complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Giuffre's claims are barred by the applicable statute of limitations.

**THIRD AFFIRMATIVE DEFENSE**

Giuffre's claims are barred by the single publication rule.

**FOURTH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred by the doctrines of laches, waiver, ratification and/or estoppel.

**FIFTH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred because Dershowitz's allegedly defamatory statements concerning Giuffre are true or substantially true.

**SIXTH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred because Dershowitz's allegedly defamatory statements are all protected by the First Amendment and Article I, Section 8 of the New York State Constitution.

**SEVENTH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred because Dershowitz's allegedly defamatory statements are all protected by the self-defense privilege.

**EIGHTH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred because she is a public figure and Dershowitz did not act with actual malice.

**NINTH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred because the alleged defamatory statements at issue in the Complaint did not cause or contribute to any damages suffered by Giuffre.

**TENTH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred by the incremental harm doctrine.

**ELEVENTH AFFIRMATIVE DEFENSE**

Giuffre suffered no damages by reason of the acts complained of in the Complaint, or by any acts or omissions of Dershowitz and/or for which Dershowitz is legally responsible.

**TWELFTH AFFIRMATIVE DEFENSE**

Giuffre's alleged damages, if any, are speculative, hypothetical, unsupported by any reasonable methodology, and are not cognizable as a matter of law.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Giuffre's alleged losses, if any, were caused by her own actions and/or inactions and/or the actions of third parties, and therefore, she is precluded from recovery from Dershowitz.

**FOURTEENTH AFFIRMATIVE DEFENSE**

Giuffre failed to mitigate her damages, if any.

**FIFTEENTH AFFIRMATIVE DEFENSE**

Dershowitz is not liable to Giuffre in any amount because, at all times relevant herein, Dershowitz has not acted improperly or in bad faith with respect to Giuffre.

**SIXTEENTH AFFIRMATIVE DEFENSE**

Dershowitz is not liable to Giuffre in any amount because, at all times relevant herein, Giuffre has failed to act properly and in good faith with respect to Dershowitz.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

Giuffre and/or her agents and/or her attorneys acting on her behalf are with unclean hands and have engaged in conduct consistent with intimidation, extortion, malicious prosecution and/or abuse of process.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

Giuffre and/or her agents and/or her attorneys acting on her behalf, are with unclean hands, in filing the within lawsuit and other actions and are acting in a manner with intent, or reckless disregard, to harass, intimidate Dershowitz, and/or seek publicity and media attention, and financial gain, at the expense and detriment of Dershowitz.

**NINETEENTH AFFIRMATIVE DEFENSE**

Giuffre's action is barred by the doctrines of res judicata and/or judicial estoppel and/or collateral estoppel.

**TWENTIETH AFFIRMATIVE DEFENSE**

Giuffre's claims are barred, in whole or in part, by the doctrine of unclean hands.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

By virtue of the tortious conduct and defamatory statements of Giuffre and/or her agents, and/or attorneys, and/or acquaintances, made upon her behalf, against Dershowitz, Giuffre is barred in whole or in part from recovering for the claims made in her Complaint.

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

Giuffre's Complaint is barred in whole or in part, as Giuffre, and/or her attorneys, and/or her agents acting upon her behalf, are with unclean hands as they have engaged in defamation, libel, and/or slander *per se* against Dershowitz.

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

Giuffre's Complaint is barred in whole or in part as Plaintiff, and/or her attorney, and/or her agents, acting upon her behalf, are with unclean hands in commencing a lawsuit in bad faith, engaging in tortious public banter, defamatory conduct and disparagement, in engaging in repeated harassing behavior and conduct directed Dershowitz, therein causing damages.

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

Giuffre's Complaint is barred, in whole or in part, in that Giuffre, and/or her attorney and/or, her agents acting on her behalf are with unclean hands, in that they have engaged in abuse of process, the filing of a lawsuit in bad faith, engaging the media and public sphere with defamatory and self-serving statements, solely in order to gain public notoriety, product and self-promotion, and recognition, and in order to seek financial gain at the expense and detriment of Dershowitz.

**TWENTY-FIFTH AFFIRMATIVE DEFENSE**

The acts alleged to have been committed in Giuffre's Complaint, if found to have been committed, were committed by third-parties over which Dershowitz had no control nor right of control.

**TWENTY-SIXTH AFFIRMATIVE DEFENSE**

Giuffre's Complaint is barred in whole or in part as Giuffre, and/or her attorneys, and/or her agents, acting upon her behalf, are with unclean hands in commencing a lawsuit in bad faith, engaging in tortious public banter, defamatory conduct and disparagement, in engaging in repeated harassing behavior and conduct directed at this answering Defendant, therein causing intentional, reckless and/or negligent infliction of emotional distress, and/or negligently and/or with reckless disregard causing Dershowitz pain and suffering.

**TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

Giuffre's Complaint is barred in whole or in part, as Giuffre, and/or her attorneys, and/or agents, acting upon her behalf, are with unclean hands, and have engaged in tortious conduct by engaging in a campaign of disparagement and false accusations against Dershowitz and thereby damaging Dershowitz's business, professional and personal reputation and relationships and Giuffre and/or her attorneys and/or agents' actions made on her behalf constitute *prima facie* tort against Dershowitz.

**TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

Giuffre's Complaint contains redundant, immaterial, impertinent, and/or scandalous matter and allegations that should be stricken by this Court pursuant to Fed. R. Civ. P. 12(f). Giuffre and her lawyers' purpose in including this material in the Complaint is unrelated to the lawsuit itself, but it is instead part of a design to disseminate knowingly false and defamatory material about Dershowitz to the media. This is precisely what they did in the CVRA Action, which they were sanctioned for and warned never to do again.

**TWENTY-NINTH AFFIRMATIVE DEFENSE**

Dershowitz reserves the right to raise any and all other affirmative defenses he deems proper based on the discovery process or any future development of the case.

**WHEREFORE**, Defendant **ALAN DERSHOWITZ** demands judgment dismissing Plaintiff's Complaint against him, together with the costs and disbursements of this action, and for any expenses incurred by him in the defense thereof, including attorneys' fees and costs, and such other and further relief as to this Court may seem just and proper.

### **COUNTERCLAIMS**

1. Since 2014, Counterclaim Plaintiff Alan Dershowitz (“Dershowitz”) and Counterclaim Defendant Virginia Roberts Giuffre (“Giuffre”) and her lawyers – motivated by money and other improper factors – have engaged in a sustained campaign to subvert the judicial process for the purposes of disseminating outrageous, knowingly false and defamatory claims accusing Dershowitz of sexually abusing her when she was a minor. Dershowitz now brings this action for defamation in order to establish the truth – that he never met Giuffre – and to hold Giuffre accountable for her defamatory claims and recover for the serious harm she has caused to his reputation, his business, and his health.

2. Dershowitz never met Giuffre and never had sex with her. Prior to meeting her lawyers at Boies Schiller Flexner LLP, Giuffre – in accounts she gave to the FBI, her best friend, her boyfriend, and a journalist with whom she had a close relationship – had never included Dershowitz among the individuals she was allegedly trafficked to by Jeffrey Epstein. To the contrary, she wrote emails, a manuscript, and other material that made it clear that she *did not* have sex with Dershowitz. She then met her lawyers, who “pressured” her to falsely accuse Dershowitz, suggesting to her that she could make money by doing so.

3. On December 30, 2014, Giuffre alleged for the first time that she been sexually abused by Dershowitz as a minor in the early 2000s while he was a guest at properties owned by Epstein. She made these salacious false allegations in a public pleading in which she purportedly sought to intervene as a plaintiff in an ongoing Crime Victims’ Rights Act lawsuit (“CVRA Action”) brought against the government by victims of sexual abuse committed by Epstein, who alleged that the government had violated their rights by failing to timely inform them that it had entered into a non-prosecution agreement with Epstein. Giuffre falsely alleged in the pleading (the

“CVRA Joinder Motion”) that in addition to sexually abusing her himself, Epstein had “required [Giuffre] to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico and the U.S. Virgin Islands[,]” and that, “in addition to being a participant in the abuse of [Giuffre] and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein’s co-conspirators.” Exhibit A at p. 4. Giuffre repeated and expanded upon these false accusations against Dershowitz in a sworn declaration filed under seal in the same action on January 21, 2015. All of these accusations are categorically false and defamatory.

4. Giuffre’s accusations against Dershowitz in the CVRA Joinder Motion were stricken as a “sanction” by the Court pursuant to Fed. R. Civ. P. 12(f) as “impertinent” and “immaterial” because they were “unnecessary to the determination of whether [Giuffre] should be permitted to join [the original Petitioners’] claim that the Government violated their rights under the CVRA.” Exhibit B at p. 5.

5. On information and belief, the inclusion of the accusations against Dershowitz in the CVRA Joinder Motion was part of a broader conspiracy to subvert the judicial process for the purpose of making false claims against him in order to make a public example out of him, and extort private settlements from other, wealthier individuals associated with Epstein. Notably, the CVRA Joinder Motion asserted that Giuffre had been sexually abused by “many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” but publicly identified none of them, with the exception of Dershowitz, British Royal Prince Andrew, and a French modeling agency executive, Jean Luc Brunel. Ex. A at p. 4. She privately named these “powerful men” to her lawyers and in sealed depositions, but not publicly.



6. The CVRA filing, and the lurid accusations against Dershowitz contained therein, generated massive media coverage. Upon information and belief, Giuffre or her lawyers either provided the media with copies of the CVRA Joinder Motion or directed them to the docket, in order to stimulate media coverage at a time of year when most people were on vacation, and long before the Epstein story was national news.

7. In the years since making her original accusation against Dershowitz in the CVRA Joinder Motion, Giuffre and her lawyers have repeatedly reaffirmed, incorporated by reference, and otherwise affirmatively republished to new audiences the false and defamatory claims made in that filing, which, in turn, have been republished in the media on countless occasions, and in particular over the past year as public interest over the Epstein saga intensified.

8. In addition, upon information and belief, Giuffre and her lawyers have spoken to reporters, repeating the substance of her defamatory allegations on an off the record basis, in order to promote the further dissemination of her false narrative regarding Dershowitz. Giuffre has undertaken these actions to enrich herself financially. Committed to her lie, and using Dershowitz's public invitation to sue as cover, Giuffre has now sued Dershowitz for defamation for calling her a liar. But Giuffre *is* a liar. She has told numerous provable lies about her age, who she has met, whether she had emails concerning Dershowitz, and other fabrications, in addition to her false accusations about sex with Dershowitz. Her lies concerning Dershowitz have caused tremendous damage to his personal and professional reputation, his business, his health and caused him emotional and physical pain and suffering. Through these counterclaims, he seeks to hold her accountable for that damage.

### **PARTIES**

9. Dershowitz is a renowned criminal defense attorney and *Professor Emeritus* at Harvard Law School. He has authored more than 40 books and is a frequent public speaker on issues of criminal defense, constitutional law, First Amendment freedoms, and the Middle East.

10. Giuffre is known as one of Epstein's accusers and has become a public figure by seeking media attention and accepting money for interviews in which she has made accusations against prominent men, including the false accusations against Dershowitz.

### **JURISDICTION AND VENUE**

11. This is an action for damages in an amount in excess of the minimum jurisdictional limits of this Court.

12. Insofar as this Court has subject matter jurisdiction over Giuffre's Complaint, it has supplemental jurisdiction over Dershowitz's Counterclaims pursuant to 28 U.S.C. § 1367.

13. This Court has personal jurisdiction over Giuffre because she has voluntarily submitted to jurisdiction in the Southern District of New York by filing her Complaint there, and because she has caused tortious injury to Dershowitz in the Southern District of New York.

### **FACTUAL ALLEGATIONS**

14. In or about 1996, Dershowitz began to develop a professional and academic relationship with Epstein, who was a patron of the arts and academia who would frequently host "salon"-type gatherings of academics, politicians, business leaders, and other influential individuals at his homes in New York, Florida, and elsewhere. Dershowitz was a guest at some of these events and an occasional visitor to Epstein's properties. He joined such distinguished guests as the President and Provost of Harvard, the Dean of the Kennedy School, and several distinguished professors, business leaders, and government officials.

15. When Epstein learned that prosecutors in Florida were investigating him for alleged sex crimes, Epstein asked Dershowitz to join his legal defense team, and Dershowitz accepted. Ultimately, Epstein negotiated a non-prosecution agreement with federal prosecutors and agreed to plead guilty to state charges for soliciting a minor for prostitution and to register as a sex offender.

16. In 2008, two women whom the government had previously identified as victims of sexual abuse by Epstein filed the CVRA Action, alleging that the United States Attorney's Office for the Southern District of Florida had violated their rights under the CVRA, 18 U.S.C. § 3771, by failing to timely inform them that it had entered into the non-prosecution agreement with Epstein. *See Doe v. United States*, 9:08-cv-80736, Dkt. No. 435 at pp. 22-23 (S.D. Fla. Feb. 21, 2019).

17. On December 30, 2014, counsel for Plaintiffs in the CVRA Action filed the Joinder Motion on behalf of Giuffre and another woman, seeking to have them added as Plaintiffs in the case. Although it was not publicly known at the time, Boies Schiller Flexner LLP represented Giuffre in connection with the Joinder Motion, though David Boies subsequently falsely denied it.

18. Giuffre and her lawyers alleged in the CVRA Joinder Motion that in addition to sexually abusing her himself, Epstein had "required [Giuffre] to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico and the U.S. Virgin Islands[,]" and that, "in addition to being a participant in the abuse of [Giuffre] and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein's co-conspirators." Ex. A at p. 4. Giuffre had not previously accused Dershowitz of having sex with her. To the contrary, she has made statements – both orally and in writing – that directly contradicted her accusation.

19. Giuffre further alleged in the CVRA Joinder Motion that she had been sexually abused by British Royal Prince Andrew, and “many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” none of whom were publicly identified (other than Dershowitz, Prince Andrew, and a French modeling agency executive, Jean Luc Brunel). *Id.* At p. 4.

20. In a sworn declaration filed under seal a few weeks after the Joinder Motion, Giuffre repeated and expanded upon her allegations against Dershowitz. *See Exhibit C.* She claimed in the declaration that she was 15 when she met Epstein, and that she had sex with Dershowitz at least six times between the ages of 16 and 19, and gave specific details of the alleged encounters, though no timeframes. *Id.* However, her employment records prove that she did not even meet Epstein until she was 17, and she later admitted that she was well over 18 when she claimed to have had sex with Epstein’s friends. In submitting this sworn declaration, Giuffre committed perjury, suborned by her lawyers at Boies Schiller Flexner LLP.

21. Giuffre’s false accusations against Dershowitz in the CVRA Joinder Motion were stricken as a sanction by the Court pursuant to Fed. R. Civ. P. 12(f) as “impertinent” and “immaterial” because they were “unnecessary to the determination of whether [Giuffre] should be permitted to join [the original Petitioners’] claim that the Government violated their rights under the CVRA.” *Ex. B* at p. 5.

22. The circumstances of the CVRA Joinder Motion – from the timing of the filing, to the decision to publicly name Dershowitz but not the other prominent men, to the unusual amount of media coverage of the filing – strongly suggest that the accusation against Dershowitz was part of a larger conspiracy undertaken by Giuffre and her lawyers to subvert the judicial process for the

purposes of making false claims against Dershowitz in order to make a public example out of him, and extort private settlements from other, wealthier individuals associated with Epstein, whose alleged misconduct was well outside the statute of limitations. Giuffre and her lawyers deliberately made these false allegations against Dershowitz in a court pleading in a misguided effort to shield Giuffre from liability for defamation under the litigation and fair report privileges. She and her lawyers intended that the allegations contained in the CVRA Joinder Motion would be continuously repeated and widely disseminated by the media, which they were.

23. Around the same time that she publicly accused Dershowitz, Giuffre, through her lawyers at Boies Schiller Flexner LLP, privately made an accusation against Leslie Wexner, the billionaire founder and CEO of L Brands and owner of Victoria's Secret. David Boies personally met with Wexner's lawyer in what Wexner's lawyer and wife both described as a "shakedown". Although the statute of limitations had long expired for any legal action against Wexner, Boies and his partner described in detail the alleged sexual encounters between Giuffre and Wexner, including an alleged demand by Wexner that Giuffre wear Victoria's Secret-type lingerie during their encounters. Such an accusation, if made publicly, could have massively damaged Wexner and his company. No public accusation against Wexner was ever made. This means that Wexner either submitted to Giuffre and her lawyers' extortion conspiracy and paid the demanded hush money, or that David Boies came to disbelieve Giuffre's claims regarding Wexner. If the latter, the Boies firm suborned perjury when Giuffre later testified under oath in a sealed deposition that she was sexually trafficked to Wexner. Upon information and belief, Giuffre's lawyers also approached other wealthy individuals whose alleged misconduct was well beyond the statute of limitations, as part of an extortion and shake down conspiracy.

24. Giuffre's claims regarding Dershowitz are totally false, and have been disseminated with a knowledge of their falsity or a reckless disregard for the truth, and out of ill-will and spite.

25. Giuffre gave the first public account of her experiences with Epstein in a series of interviews with British tabloid journalist Sharon Churcher in 2011, which Churcher published via a series of articles in the *Daily Mail*. Giuffre was paid \$160,000 for her story. Giuffre gave Churcher the names of prominent men she allegedly had sex with. The *Daily Mail* articles make no mention of Dershowitz (except as an attorney for Epstein), because Dershowitz was not among the men with whom Giuffre claimed to have had sex. Churcher has confirmed that Giuffre never accused Dershowitz of having sex with her.

26. At the same time she was speaking with Churcher, Giuffre was shopping the rights to a book she was writing about her time with Epstein. The manuscript of her book mentions Dershowitz, but only as a friend of Epstein's – ***not*** as someone with whom Giuffre had sex.

27. An email exchange produced in discovery in a related litigation – which Giuffre unsuccessfully fought to keep private – explains how this came to be and constitutes smoking gun evidence of Giuffre's knowing and intentional fabrication of her allegations against Dershowitz. After telling her story to Churcher, Giuffre emailed Churcher in May 2011 to report that she was working towards a book deal and was "[j]ust wondering if you have any information on you from when you and I were doing interviews about the J.E. story. I wanted to put the names of some of these assholes, oops, I meant to say, pedo's, that J.E. sent me to. With everything going on my brain feels like mush and it would be a great deal of help." Exhibit D. Churcher replied: "***Don't forget Alan Dershowitz....JE's buddy and lawyer...good name for your pitch*** as he repped Claus Von Bulow and a movie was made about that case....title was Reversal of Fortune. We all suspect

Alan is a pedo and *tho no proof of that, you probably met him* when he was hanging [out] with JE.” *Id.* (ellipses in original; emphasis supplied).

--- On Wed, 11/5/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>  
 Subject: Re: Good News!!  
 To: "Virginia Giuffre" <[REDACTED]>  
 Received: Wednesday, 11 May, 2011, 4:17 PM

Don't forget Alan Dershowitz...JE's buddy and lawyer..good name for your pitch as he repped Claus von Bulow and a movie was made about that case...title was Reversal of Fortune. We all suspect Alan is a pedo and tho no proof of that, you probably met him when he was hanging put w JE

28. Giuffre wrote back but did not inform Churcher that she was mistaken that there was “no proof” of sexual misconduct by Dershowitz. She did not do so because Churcher was correct, and Giuffre had not reported having sex with Dershowitz. Instead, she replied only: “Thanks again [Sharon], I’m bringing down the house with this book!!!” *Id.*

29. Churcher has confirmed that Giuffre never accused Dershowitz of having sex with her. This evidence proves that Giuffre’s claim that she had sex with Dershowitz is a fabrication and she published her claim while knowing it was false, and after having been pressured by her lawyers to name him. Indeed, Giuffre has lied about these emails by falsely testifying under oath that no such emails between her and Churcher about Dershowitz existed. Her counsel, upon becoming aware of Giuffre’s false testimony, took no steps to correct the record. Despite her perjury having been suborned by her lawyers, she is responsible for her defamation.

30. Around this same time, in the spring of 2011, Giuffre was interviewed by the FBI regarding her time with Epstein. At risk of criminal penalty for making a false statement to a federal agent, she described in detail her time with Epstein and her allegations of being “lent out” to Epstein’s friends, who she named, but *never accused Dershowitz*. This and the other evidence

described above corroborates the account of Giuffre's former best friend, who confirmed that Giuffre only accused Dershowitz after she was pressured by her lawyers to do so.

31. Giuffre's credibility has been completely destroyed. She has repeatedly and deliberately lied and committed perjury for money. Some of these lies were made before she met her lawyers but some were made after she met her lawyers, who pressured and suborned her to lie for their own and her profit. Her lawyers were fully aware of her history of lying when they submitted and vouched for her perjured affidavits. In addition to the false allegations against Dershowitz, she has fabricated allegations and far-fetched stories against a number of high-profile individuals. For example, she has described in great detail having dinner with and closely observing former Vice President Al Gore and his wife Tipper on Epstein's Caribbean island and claims she saw Vice President Gore and Epstein walk on the beach of the island together. The Gores did not know Epstein and have never set foot on his island. When Dershowitz directly asked Boies to call Al Gore, his former client, to confirm that Giuffre had lied when she claimed to have met the Gores on Epstein's Caribbean island, Boies refused and responded: "I'm not vouching for her general credibility. I know she's wrong about you and that's enough."

32. Giuffre has also alleged that she was forced to have sex with former Israeli Prime minister Ehud Barack, former New Mexico Governor Bill Richardson, former Democratic Senate Majority Leader Sen. George Mitchell, the late MIT computer scientist Marvin Minsky, billionaire Thomas Pritzker of Hyatt Hotels, hedge fund manager Glenn Dubin, MC2 model agency cofounder Jean Luc Brunel, England's Prince Andrew, and also an unnamed "prince," "foreign president," and owner of "a French hotel chain." Many of these accused men have issued denials and disclaimers stating that they have never even met Giuffre. While Dershowitz has no knowledge of the truth or falsity of any or all of these accusations, Giuffre has offered no proof



other than her own uncorroborated word, which has been thoroughly discredited by her proven lies about the Gores, President Clinton, her age, the absence of emails naming Dershowitz, and other matters.

33. Perhaps one of the most prominent denials to Giuffre's fabrications is from President Bill Clinton. Giuffre's statements – some under oath, and others made in a 2011 *Daily Mail* article – claimed that she was on Little St. James Island with former President Clinton:

Clinton was present on the island at a time when I was also present on the island . . . Maxwell went to pick up Bill in a huge black helicopter ... Bill had the Secret Service with him and I remember him talking about what a good job she did... We all dined together that night. Jeffrey was at the head of the table. Bill was at his left. I sat across from him. Emmy Tayler, Ghislaine's blonde British assistant sat at my right. Ghislaine was at Bill's left and at the left of Ghislaine there were two olive-skinned brunettes who'd flown in with us from New York.... Maybe Jeffrey thought they would entertain Bill, but I saw no evidence that he was interested in them. He and Jeffrey and Ghislaine seemed to have a very good relationship. Bill was very funny.

Exhibit E; Exhibit F. A statement released by President Clinton on July 8, 2019 directly refutes these claims and reads:

In 2002 and 2003, President Clinton took a total of four trips on Jeffrey Epstein's airplane: one to Europe, one to Asia, and two to Africa, which included stops in connection with the work of the Clinton Foundation. Staff, supporters of the foundation, and his Secret Service detail traveled on every leg of every trip. He had one meeting with Epstein in his Harlem office in 2002, and around the same time made one brief visit to Epstein's New York apartment with a staff member and his security detail. He's not spoken to Epstein in well over a decade, **and he has never been to Little St. James Island**, Epstein's ranch in New Mexico, or his residence in Florida.

Exhibit G (emphasis supplied).

34. After being falsely accused by Giuffre, Dershowitz assembled travel records, credit card statements, phone records, and other documentation which prove that Dershowitz could not have been in the places during the time period when Giuffre claims to have had sex with him. These documents were inspected for authenticity by former FBI Director Louis Freeh. When

Dershowitz presented this documentation to Giuffre's lawyer, David Boies, he concluded that it was "impossible" for Dershowitz to have been where Giuffre claims they had sex, and that her claims were "wrong," "simply wrong." Nevertheless, Boies and his firm continued to persist in advancing Giuffre's false claims, and in submitting perjurious affidavits.

35. Since accusing Dershowitz in the CVRA Joinder Motion in December 2014, Giuffre and her lawyers have repeatedly and publicly outside of court reaffirmed her false claims, directing the media and the public to her allegations in the CVRA Joinder Motion and making clear that she stands by those accusations against Dershowitz. The full scope of Giuffre's and her lawyers' efforts to promote media coverage of her false accusations against Dershowitz through confirming and repeating those false accusations to members of the media, with the intention that they publish those claims to mass audiences, is not yet known and will be the subject of discovery in this case.

36. Giuffre has never retracted any part of her accusations, even the central claim that she was a minor at the time she allegedly had sex with Dershowitz, a claim which has since been conclusively proven to be false by Giuffre's own admissions and employment records, and which is conspicuously absent from the allegations of Giuffre's Complaint in this case. On information and belief, Giuffre continues to call Dershowitz a "pedophile" and "child rapist" and "child molester" despite her own admissions and her own records that prove she was an adult when she falsely claimed to have had sex with him.

37. On November 28, 2018, the *Miami Herald* published an interview with Giuffre as part of lengthy article discussing the preferential treatment Epstein allegedly received from the criminal justice system. Exhibit H. Giuffre and her lawyers provided the reporter, Julie Brown, with a copy of her sworn declaration in the CVRA action, which, unlike the CVRA Joinder Motion,

remained under seal. The article quoted at length from Giuffre's declaration, including publishing, in particular, the details of her accusations against Dershowitz. This was not the only time that Giuffre and her lawyers provided sealed court records to the media. Later, in July 2019, in anticipation of an order by the Second Circuit unsealing documents in the related *Giuffre v. Maxwell* case – including the smoking gun Churcher emails referenced above – Giuffre's lawyers supplied Brown and *New Yorker* reporter Connie Bruck with selected documents, still under seal, which they perceived as favorable to Giuffre. Brown and Bruck thereafter pressured Dershowitz to provide them with the Churcher emails and other evidence establishing his innocence even though they remained under seal, which Dershowitz refused to do.

38. Brown has confirmed that Giuffre told her in their interview which led to the publication of the November 28, 2018 *Miami Herald* article that she (Giuffre) had sex with Dershowitz. In a videotaped interview that the *Herald* posted to its website as part of the story, "Giuffre described how Epstein and [Ghislaine] Maxwell began grooming her – not just to perform massages, but to sexually pleasure them and others[.]" including "politicians and academics and royalty." When she mentioned "academics," the video showed a picture of Dershowitz. Giuffre and her lawyers were the sources of this publication.

39. Upon information and belief, before filing her Complaint against Dershowitz in this action, Giuffre and her lawyers provided an advance copy to Brown to induce Brown to publish a story about the lawsuit on the same day it was filed, April 16, 2019. Exhibit I. In a statement issued that same day outside of any legal proceeding and published in the *Miami Herald* and other news outlets, Giuffre stated: "As my complaint shows, my abusers have sought to conceal their guilt behind a curtain of lies. My complaint calls for the accounting to which I, and their other victims, are entitled." *Id.* This statement was later provided to the television program *The View*,

which read it on air during an appearance by Dershowitz on that show on May 2, 2019. Exhibit J. Accusing Dershowitz out of court of being one of her abusers is false and defamatory.

40. Since filing the Complaint in this action, Giuffre and her lawyers have continued to make public, out of court statements falsely accusing Dershowitz of participating in the sexual abuse of Giuffre. For example, in response to the Court's recent ruling disqualifying Giuffre's lawyers at Boies Schiller Flexner LLP from representing her in this action, Giuffre issued a statement which referred to Dershowitz as a "co-conspirator" of Epstein. Exhibit K. This is false and defamatory.

41. Giuffre and her lawyers also served as a source for a lengthy *New Yorker* profile of Dershowitz published on August 5, 2019, and on information and belief, falsely confirmed to the article's author, Connie Bruck, that Giuffre had sex with Dershowitz, intending that the *New Yorker* publish the accusation, which it did. Ex. J.

42. Clearly, Giuffre has engaged in a campaign to maliciously disparage and attack Dershowitz, and over the years, has made a number of defamatory statements about Dershowitz, either herself, or speaking through her authorized agents. For example:

- a. On or about July 31, 2019, in *The American Lawyer*, Giuffre's attorney and authorized agent David Boies, stated on Giuffre's behalf: "[T]he problem is that [Dershowitz] believes that if he quacks loudly enough and outrageously enough, people will focus on what he's saying and not the underlying conduct... [H]e's desperate to detract attention from the underlying accusation. People who have good defenses present those defenses. Those who don't engage in ad hominem attacks." Exhibit L.

- b. On or about July 19, 2019, in *New York Magazine*, Boies stated: “This is simply more evidence of how desperate Mr. Dershowitz is to distract attention from the evidence of his misconduct. . . . Mr. Dershowitz’s misconduct, and his lies about it, are documented in sworn affidavits, sworn depositions, and contemporaneous documents... I can understand why Mr. Dershowitz wants to distract attention from the facts...” Exhibit M.
- c. On or about July 17, 2019, in *Vanity Fair*, Boies stated: “Epstein’s former employees said in sworn depositions that they saw Dershowitz at the house multiple times without his wife. ‘This Olga woman doesn’t exist. Epstein’s barely kept women around who were over 25. It’s a figment of Alan’s imagination.’” Exhibit N.
- d. On or about July 7, 2019, outside the Manhattan federal courthouse, Boies stated: “Virginia sued Ms. Maxwell in the Southern District of New York for her participation in the sex trafficking. She is currently suing Alan Dershowitz for his participation in the sex trafficking.”
- e. On or about July 5, 2019, in the *Miami Herald*, Boies stated: “It’s very dangerous to take one position publicly and another position in court. Eventually, both the public and the court figure out that you’re lying and you lose your credibility in both forums and that’s what he has been doing - trying to take one position publicly and another in court - and they are now clashing.” Exhibit O.
- f. On or about December 18, 2018, in the *New York Daily News*, Boies stated: “Alan Dershowitz’s absurd attacks... are consistent with his pattern of attacking every lawyer who has represented women who have accused him of sexual abuse... This

is simply a pattern where he thinks if he is loud enough and crazy enough it will distract attention from what he's done." Exhibit P.

43. Upon information and belief Giuffre and her attorneys at Boies Schiller Flexner LLP have made other defamatory statements and engaged in further tortious conduct that Dershowitz intends to uncover during discovery and through the unsealing of documents in collateral matters.

#### **COUNT ONE – DEFAMATION**

44. Dershowitz realleges and incorporates herein by reference each of the prior paragraphs.

45. Giuffre has conspired with her lawyers to publish her false and defamatory claims of and concerning Dershowitz with a knowing or reckless disregard of their falsity. She has done so with the specific intent and design that her statements be a source for the media so that the media will publish her false allegations of and concerning Dershowitz that he had sex with her while she was underage as part of Epstein's criminal sex trafficking of minors. Giuffre has falsely and with a knowing and reckless disregard of falsity and acting out of ill-will and spite publicly labelled Dershowitz as a child rapist and molester.

46. Giuffre's campaign of defamation against Dershowitz, assisted and promoted by her lawyers, consists of a combination of: (i) out of court statements and; (ii) statements made in pleadings which were knowingly false and instituted with malice of the constitutional and common law varieties, for the purposes of publicly disseminating libelous statements about Dershowitz via media statements which refer to those pleadings, and causing the repeated republication of her false allegations.

47. Giuffre is liable for the defamatory statements of her authorized agents.

48. Giuffre's false allegations constitute libel.

49. Giuffre's false allegations constitute libel per se, including that they: (i) accused Dershowitz of a crime; (ii) exposed him to public contempt, ridicule, aversion and disgrace, and induced an evil opinion of him in the minds of right-thinking persons; and (iii) tended to injure him in his professional capacity as a legal scholar and civil libertarian.

50. Giuffre intended her false statements to be widely published and disseminated on television, through newspapers, by word of mouth, and on the internet. As she intended, Giuffre's statements were published and disseminated around the world.

51. As a result of Giuffre's campaign to spread malicious lies accusing Dershowitz of being a sexual predator, pedophile, abuser, child molester and other negative epithets, Dershowitz has suffered substantial damages in the form of personal and professional reputational harm, lost business opportunities, emotional harm, embarrassment, humiliation, and pain and suffering in an amount to be proven at trial.

**COUNT TWO - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

52. Dershowitz realleges and incorporates herein by reference each of the prior paragraphs.

53. Giuffre has engaged in extreme and outrageous conduct in engaging in a campaign of lies, disparagement, defamation, harassment, intimidation, and maliciousness directed at Dershowitz that is beyond the bounds of decency and not tolerated in civilized society.

54. By engaging in the aforementioned conduct, Giuffre intended to cause, or disregarded a substantial probability of causing, severe emotional distress to Dershowitz, and did in fact cause severe emotional distress to Dershowitz.

55. There exists a causal connection between the aforementioned conduct and the injury and damages suffered by Dershowitz.

56. As a result of said conduct Dershowitz has suffered and continues to suffer from severe emotional distress including anxiety, stress, mental anguish, and the physical effects therefrom, medical conditions including but not limited to cardiac conditions, and other ailments, precipitated by the harassment, disparagement, and other tortious conduct by Giuffre.

**JURY DEMAND**

Dershowitz demands a jury trial on all issues so triable in this action.

**WHEREFORE**, Counterclaim Plaintiff **ALAN DERSHOWITZ** respectfully seeks the following relief: (a) a judgment awarding compensatory damages; (b) punitive damages; (c) attorney's fees; (d) costs; (e) such other and further relief as to this Court may seem just and proper.

Respectfully submitted,

ALAN DERSHOWITZ,

By his attorneys,

/s/ Howard M. Cooper

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Dated: November 7, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent via the Court's electronic filing system and served to all counsel of record on November 7, 2019.

/s/ Christian G. Kiely

Christian G. Kiely

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 08-80736-Civ-Marra/Johnson**

**JANE DOE #1 and JANE DOE #2**

**v.**

**UNITED STATES**  
\_\_\_\_\_ /

**JANE DOE #3 AND JANE DOE #4’S MOTION PURSUANT TO RULE 21 FOR  
JOINDER IN ACTION**

COME NOW Jane Doe #3 and Jane Doe #4 (also referred to as “the new victims”), by and through undersigned counsel, to file this motion pursuant to Federal Rule of Civil Procedure 21 to join this action, on the condition that they not re-litigate any issues already litigated by Jane Doe #1 and Jane Doe #2 (also referred to as “the current victims”). The new victims have suffered the same violations of their rights under the Crime Victims’ Rights Act (CVRA) as the current victims. Accordingly, they desire to join in this action to vindicate their rights as well. Because the new victims will not re-litigate any issues previously litigated by the current victims (and because they are represented by the same legal counsel as the current victims), the Government will not be prejudiced if the Court grants the motion. The Court may “at any time” add new parties to the action, Fed. R. Civ. P. 21. Accordingly, the Court should grant the motion.<sup>1</sup>

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<sup>1</sup> As minor victims of sexual offenses, Jane Doe #3 and Jane Doe #4 desire to proceed by way of pseudonym for the same reasons that Jane Doe #1 and Jane Doe #2 proceeded in this

### **FACTUAL BACKGROUND**

As the Court is aware, more than six years ago, Jane Doe #1 filed the present action against the Government, alleging a violation of her rights under the CVRA, 18 U.S.C. § 3771. DE1. She alleged that Jeffrey Epstein had sexually abused her and that the United States had entered into a secret non-prosecution agreement (NPA) regarding those crimes in violation of her rights. At the first court hearing on the case, the Court allowed Jane Doe #2 to also join the action. Both Jane Doe #1 and Jane Doe #2 specifically argued that the government had failed to protect their CVRA rights (inter alia) to confer, to reasonable notice, and to be treated with fairness. In response, the Government argued that the CVRA rights did not apply to Jane Doe #1 and Jane Doe #2 because no federal charges had ever been filed against Jeffrey Epstein.

The Court has firmly rejected the United States' position. In a detailed ruling, the Court concluded that the CVRA extended rights to Jane Doe #1 and Jane Doe #2 even though federal charges were never filed. DE 189. The Court explained that because the NPA barred prosecution of crimes committed against them by Epstein, they had "standing" to assert violations of the CVRA rights. *Id.* The Court deferred ruling on whether the two victims would be entitled to relief, pending development of a fuller evidentiary record. *Id.*

Two other victims, who are in many respects similarly situated to the current victims, now wish to join this action. The new victims joining at this stage will not cause any delay and their joinder in this case is the most expeditious manner in which to pursue their rights. Because the background regarding their abuse is relevant to the Court's assessment of whether to allow them to join, their circumstances are recounted here briefly.

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fashion. Counsel for the new victims have made their true identities known to the Government.

Jane Doe #3's Circumstances

As with Jane Doe #1 and Jane Doe #2, Jane Doe #3 was repeatedly sexually abused by Epstein. The Government then concealed from Jane Doe #3 the existence of its NPA from Jane Doe #3, in violation of her rights under the CVRA. If allowed to join this action, Jane Doe #3 would prove the following:

In 1999, Jane Doe #3 was approached by Ghislaine Maxwell, one of the main women whom Epstein used to procure under-aged girls for sexual activities and a primary co-conspirator in his sexual abuse and sex trafficking scheme. In fact, it became known to the government that Maxwell herself regularly participated in Epstein's sexual exploitation of minors, including Jane Doe #3. Maxwell persuaded Jane Doe #3 (who was then fifteen years old) to come to Epstein's mansion in a fashion very similar to the manner in which Epstein and his other co-conspirators coerced dozens of other children (including Jane Doe #1 and Jane Doe #2). When Jane Doe #3 began giving Epstein a "massage," Epstein and Maxwell turned it into a sexual encounter, as they had done with many other victims. Epstein then became enamored with Jane Doe #3, and with the assistance of Maxwell converted her into what is commonly referred to as a "sex slave." Epstein kept Jane Doe #3 as his sex slave from about 1999 through 2002, when she managed to escape to a foreign country and hide out from Epstein and his co-conspirators for years. From 1999 through 2002, Epstein frequently sexually abused Jane Doe #3, not only in West Palm Beach, but also in New York, New Mexico, the U.S. Virgin Islands, in international airspace on his Epstein's private planes, and elsewhere.

Epstein also sexually trafficked the then-minor Jane Doe, making her available for sex to politically-connected and financially-powerful people. Epstein's purposes in "lending" Jane Doe

(along with other young girls) to such powerful people were to ingratiate himself with them for business, personal, political, and financial gain, as well as to obtain potential blackmail information.

One such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's and well-known criminal defense attorney. Epstein required Jane Doe #3 to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico, and the U.S. Virgin Islands. In addition to being a participant in the abuse of Jane Doe #3 and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein's co-conspirators. Dershowitz would later play a significant role in negotiating the NPA on Epstein's behalf. Indeed, Dershowitz helped negotiate an agreement that provided immunity from federal prosecution in the Southern District of Florida not only to Epstein, but also to "any potential co-conspirators of Epstein." NPA at 5. Thus, Dershowitz helped negotiate an agreement with a provision that provided protection for himself against criminal prosecution in Florida for sexually abusing Jane Doe #3. Because this broad immunity would have been controversial if disclosed, Dershowitz (along with other members of Epstein's defense team) and the Government tried to keep the immunity provision secret from all of Epstein's victims and the general public, even though such secrecy violated the Crime Victims' Rights Act.

Ghislaine Maxwell was another person in Epstein's inner circle and a co-conspirator in Epstein's sexual abuse. She was someone who consequently also appreciated the immunity granted by the NPA for the crimes she committed in Florida. In addition to participating in the

sexual abuse of Jane Doe #3 and others, Maxwell also took numerous sexually explicit pictures of underage girls involved in sexual activities, including Jane Doe #3. She shared these photographs (which constituted child pornography under applicable federal laws) with Epstein. The Government is apparently aware of, and in certain instances possesses some of these photographs.

Perhaps even more important to her role in Epstein's sexual abuse ring, Maxwell had direct connections to other powerful individuals with whom she could connect Epstein. For instance, one such powerful individual Epstein forced Jane Doe #3 to have sexual relations with was a member of the British Royal Family, Prince Andrew (a/k/a Duke of York). Jane Doe #3 was forced to have sexual relations with this Prince when she was a minor in three separate geographical locations: in London (at Ghislaine Maxwell's apartment), in New York, and on Epstein's private island in the U.S. Virgin Islands (in an orgy with numerous other under-aged girls). Epstein instructed Jane Doe #3 that she was to give the Prince whatever he demanded and required Jane Doe #3 to report back to him on the details of the sexual abuse. Maxwell facilitated Prince Andrew's acts of sexual abuse by acting as a "madame" for Epstein, thereby assisting in internationally trafficking Jane Doe #3 (and numerous other young girls) for sexual purposes.

Another person in Epstein's inner circle of friends (who becomes apparent with almost no investigative effort) is Jean Luc Brunel. Epstein sexually trafficked Jane Doe #3 to Jean Luc Brunel many times. Brunel was another of Epstein's closest friends and a regular traveling companion, who had many contacts with young girls throughout the world. Brunel has been a model scout for various modeling agencies for many years and apparently was able to get U.S.

passports for young girls to “work” as models. He would bring young girls (ranging to ages as young as twelve) to the United States for sexual purposes and farm them out to his friends, especially Epstein. Brunel would offer the girls “modeling” jobs. Many of the girls came from poor countries or impoverished backgrounds, and he lured them in with a promise of making good money. Epstein forced Jane Doe #3 to observe him, Brunel and Maxwell engage in illegal sexual acts with dozens of underage girls. Epstein also forced Jane Doe #3 to have sex with Brunel on numerous occasions, at places including Epstein’s mansion in West Palm Beach, Little St. James Island in the U.S. Virgin Islands (many including orgies that were comprised of other underage girls), New York City, New Mexico, Paris, the south of France, and California.

Epstein also trafficked Jane Doe #3 for sexual purposes to many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders. Epstein required Jane Doe #3 to describe the events that she had with these men so that he could potentially blackmail them.

The Government was well aware of Jane Doe #3 when it was negotiating the NPA, as it listed her as a victim in the attachment to the NPA. Moreover, even a rudimentary investigation of Jane Doe #3’s relationship to Epstein would have revealed the fact that she had been trafficked throughout the United States and internationally for sexual purposes. Nonetheless, the Government secretly negotiated a non-prosecution agreement with Epstein precluding any Federal prosecution in the Southern District of Florida of Epstein and his co-conspirators. As with Jane Doe #1, and Jane Doe #2, the Government concealed the non-prosecution agreement from Jane Doe #3 – all in violation of her rights under the CVRA – to avoid Jane Doe #3 from raising powerful objections to the NPA that would have shed tremendous public light on Epstein



and other powerful individuals and that would likely have been prevented it from being concluded in the secretive manner in which it was.

Jane Doe #4's Circumstances

If permitted to join this action, Jane Doe #4 would allege, and could prove at trial, that she has CVRA claims similar to those advanced by Jane Doe #1 and Jane Doe #2, based on the following:

As with the other Jane Does, Jane Doe #4 was repeatedly sexually abused by Epstein. In or around the summer of 2002, Jane Doe #4, an economically poor and vulnerable sixteen-year-old child, was told by another one of Epstein's underage minor sex abuse victims, that she could make \$300 cash by giving an old man a massage on Palm Beach. An acquaintance of Jane Doe #4 (also a minor sexual abuse victim of Epstein) telephoned Epstein and scheduled Jane Doe #4 to go to Epstein's house to give him a massage. During that call, Epstein himself got on the phone (a means of interstate communication) with Jane Doe #4, asking her personally to come to his mansion in Palm Beach.

Jane Doe #4 then went to Epstein's mansion and was escorted upstairs to Epstein's large bathroom by one of Epstein's assistants. Shortly thereafter Jeffrey Epstein emerged and lay face down on the table and told Jane Doe #4 to start massaging him. Epstein asked Jane Doe #3 her age and she told him she had recently turned sixteen. Epstein subsequently committed illegal sexual acts against Jane Doe #4 on many occasions.

Epstein used a means of interstate communication (i.e., a cell phone) to arrange for these sexual encounters. Epstein also frequently travelled in interstate commerce (i.e., on his personal jet) for purposes of illegally sexually abusing Jane Doe #4.

The acts Epstein committed against Jane Doe #4, constituted numerous federal sex offenses, some of which do not carry a statute of limitations and thus are not time-barred. *See* 18 U.S.C. § 3283. And these offenses were the kinds of offenses that the Federal Bureau of Investigation (FBI) and U.S. Attorney’s Office for the Southern District of Florida were pursuing in 2007. So far as Jane Doe #4 is aware, the U.S. Attorney’s Office made no serious effort to locate her. Instead, after identifying approximately forty separate underage sexually abused victims, and apparently preparing a 53-page federal indictment and with full awareness of the existence of many victims like Jane Doe #4 – unidentified and not interviewed – it entered into a non-prosecution agreement barring prosecution of Epstein’s federal crimes against these victims. This is contrary to the Government’s normal approach in prosecuting federal sex offenses. It also violated Jane Doe #4’s rights under the CVRA, including the fact that she had a “reasonable” right to confer with the U.S. Attorney’s Office before they entered into an agreement with a sex offender barring prosecution of him for the crimes he committed against her. 18 U.S.C. § 3771(a)(5).

### **MOTION FOR JOINDER**

Jane Doe #3 and Jane Doe #4 now both move to join this action filed by Jane Doe #1 and Jane Doe #2, pursuant to Rule 21 of the Federal Rules of Civil Procedure. Rule 21 provides that “[o]n motion or on its own, the court may at any time, on just terms, add . . . a party.” Rule 21 “grants the court broad discretion to permit a change in the parties at any stage of a litigation.” *Ford v. Air Line Pilots Ass’n Int’l*, 268 F. Supp. 2d 271, 295 (E.D.N.Y. 2003) (internal quotation omitted). The new victims should be allowed to join the current victims in this action under Rule 21.

The new victims will establish at trial that the Government violated their CVRA rights in the same way as it violated the rights of the other victims. The new victims' participation in this case is important because it appears that the Government intends to raise a factual defense that somehow it did keep Jane Doe #1 and Jane Doe #2 properly informed of what was happening in the criminal prosecution. Of course, if four victims all testify consistently that they were not properly informed by the Government (as we believe they will), that provides a stronger case for a CVRA violation.

In addition, Jane Doe #3 and Jane Doe #4's participation is relevant to a defense the Court has allowed the Government to raise. The Court has previously ruled that the victims' request for rescission of the NPA "implicates a fact-sensitive equitable defense which must be considered in the historical factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims – including an assessment of the allegation of a deliberate conspiracy between Epstein and federal prosecutors to keep the victims in the dark on the pendency of negotiations between Epstein and federal authorities until well after the fact and presentation of the non-prosecution agreement to them as *a fait accompli*." DE 189 at 12 n.6 (emphasis added). Jane Doe #3's and Jane Doe #4's participation in this case will help to show what the "entire interface" was between the Government and the victims and thus to respond to the Government's estoppel arguments as well as other defenses that it appears to be preparing to raise. *See, e.g.*, DE 62 (52-page response from the Government to the victim's summary judgment motion, raising numerous factually-based and other arguments against the victim's position).

Jane Doe #3's and Jane Doe #4's participation is also directly relevant to the discovery disputes currently pending in this case. The Government has raised various relevancy objections to the documents that Jane Doe #1 and Jane Doe #2 are attempting to obtain. The current victims have responded by explaining how these documents are relevant, including explaining how these documents might bear on the way in which Epstein used his powerful political and social connections to secure a favorable plea deal, as well as provide proof of the Government's motive to deliberately fail to investigate certain aspects of the victims' claims in an effort to maintain the secrecy of the facts and resolve the case without the victims' knowledge. *See, e.g.*, DE 266 at 6-10. Jane Doe #3 and Jane Doe #4's participation will help prove the relevancy of these requests, as well as the need for those requests.

One clear example is Request for Production No. 8, which seeks documents regarding Epstein's lobbying efforts to persuade the Government to give him a more favorable plea arrangement and/or non-prosecution agreement, including efforts on his behalf by Prince Andrew and former Harvard Law Professor Alan Dershowitz. Jane Doe #1 and Jane Doe #2 have alleged these materials are needed to prove their allegations that, after Epstein signed the non-prosecution agreement, his performance was delayed while he used his significant social and political connections to lobby the Justice Department to obtain a more favorable plea deal. *See, e.g.*, DE 225 at 7-8 (discussing DE 48 at 16-18). Jane Doe #3 has directly person knowledge of Epstein's connection with some of these powerful people and thus how Epstein might have used them to secure favorable treatment.

Adding two new victims to this case will not delay any of the proceedings. They will simply join in motions that the current victims were going to file in any event. For example, the

new victims will simply join in a single summary judgment motion that the current victims anticipate filing after discovery has been completed.

Nor will adding the new victims prejudice the United States. As the court is aware, this Court is still in its initial discovery stage. The Court is currently considering whether to reject the Government's assertion of privilege over documents regarding the case. *See* DE 265 (victims' reassertion of objections to the Government privilege claims). The new victims do not seek any additional discovery beyond that previously sought by the current victims.<sup>2</sup> Accordingly, the United States will not be prejudiced or burdened by adding them to this case.

The CVRA does not contain any statute of limitations for filing an action to enforce rights under the statute. Accordingly, were the Court to deny this motion, the result might be that the new victims would then be forced to file a separate suit raising their claims, which would then possibly proceed on a separate litigation track. Rather than require duplicative litigation, the Court should simply grant their motion to join.

Jane Doe #1 and Jane Doe #2 support the joinder motion. Counsel for the victims have discussed this motion with the Government at length in an effort to avoid any need to file a substantive pleading on the issue. Counsel for the victims asked the Government during the summer for its position on joinder. The Government, however, took the matter under advisement for months. Ultimately, after several inquiries from victims counsel, the Government indicated without explanation that it opposes this motion. Counsel for the victims has requested a meeting with the Government on this issue, which will hopefully occur in

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<sup>2</sup> Jane Doe #3 and Jane Doe #4 have asked the Government to provide them with the record of their statements that they provided to the FBI. These FBI 302's should be only a few pages long.

January. In the meantime, however, counsel for the victims believe that it is no longer appropriate to delay filing this motion and accordingly file it at this time. Because the Government is apparently opposing this motion, Jane Doe #3 and Jane Doe #4 have described the circumstances surrounding their claims so that the Court has appropriate information to rule on the motion.

### **CONCLUSION**

Jane Doe #3 and Jane Doe #4 should be allowed to join this action, pursuant to Rule 21 of the Federal Rules of Civil Procedure. Their joinder should be conditioned on the requirement that they not re-litigate any issues previously litigated by Jane Doe #1 and Jane Doe #2. A proposed order to that effect is attached to this pleading.

DATED: December 30, 2014

Respectfully Submitted,

/s/ Bradley J. Edwards

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### **CERTIFICATE OF SERVICE**

I certify that the foregoing document was served on December 30, 2014, on the following  
using the Court's CM/ECF system:

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/s/ Bradley J. Edwards

## **Exhibit B**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:08-CV-80736-KAM

JANE DOE 1 and JANE DOE 2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

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**ORDER DENYING PETITIONERS' MOTION TO JOIN UNDER RULE 21 AND  
MOTION TO AMEND UNDER RULE 15**

This cause is before the Court on Jane Doe 3 and Jane Doe 4's Corrected Motion Pursuant to Rule 21 for Joinder in Action ("Rule 21 Motion") (DE 280), and Jane Doe 1 and Jane Doe 2's Protective Motion Pursuant to Rule 15 to Amend Their Pleadings to Conform to Existing Evidence and to Add Jane Doe 3 and Jane Doe 4 as Petitioners ("Rule 15 Motion") (DE 311). Both motions are ripe for review. For the following reasons, the Court concludes that they should be denied.

**I. Background**

This is an action by two unnamed petitioners, Jane Doe 1 and Jane Doe 2, seeking to prosecute a claim under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. (DE 1). Generally, they allege that the respondent Government violated their rights under the CVRA by failing to consult with them before negotiating a non-prosecution agreement with Jeffrey Epstein, who subjected them to various sexual crimes while they were minors. (Id.). Petitioners initiated this action in July 2008. (Id.).

On December 30, 2014, two other unnamed victims, Jane Doe 3 and Jane Doe 4, moved to join as petitioners in this action pursuant to Federal Rule of Civil Procedure 21. (DE 280). Petitioners (Jane Doe 1 and Jane Doe 2) support the Rule 21 Motion. (Id. at 11). Jane Doe 3 and Jane Doe 4 argue that they “have suffered the same violations of their rights under the [CVRA] as the” Petitioners, and they “desire to join in this action to vindicate their rights as well.” (Id. at 1). The Government vehemently opposes joinder under Rule 21. (DE 290). The Government argues that Rule 15 is the proper procedural device for adding parties to an action, not Rule 21. (Id. at 1).

“[O]ut of an abundance of caution,” Petitioners filed a motion to amend their petition under Rule 15, conforming the petition to the evidence and adding Jane Doe 3 and Jane Doe 4 as petitioners. (DE 311 at 2). The Government opposes the Rule 15 Motion as well. (DE 314). Among other things, the Government argues that amending the petition to include Jane Doe 3 and Jane Doe 4 should be denied because of their undue delay in seeking to join the proceedings, and the undue prejudice that amendment will cause. (Id.).

After considering the parties’ submissions and the proposed amended petition, the Court finds that justice does not require amendment in this instance and exercises its discretion to deny the amendment.

## II. Discussion

“The decision whether to grant leave to amend a complaint is within the sole discretion of the district court.” Laurie v. Ala. Ct. Crim. Apps., 256 F.3d 1266, 1274 (11th Cir. 2001). “The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Justice does not require amendment in several instances, “includ[ing] undue delay, bad faith, dilatory motive

on the part of the movant, . . . undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment.” Laurie, 256 F.3d at 1274 (quoting Foman v. Davis, 371 U.S. 178, 182 (1962)). In addition to considering the effect of amendment on the parties, the court must consider “the importance of the amendment on the proper determination of the merits of a dispute.” 6 Wright & Miller, Fed. Prac. & Fed. P. § 1488, p. 814 (3d ed. 2010). Justice does not require amendment where the addition of parties with duplicative claims will not materially advance the resolution of the litigation on the merits. See Herring v. Delta Air Lines, Inc., 894 F.2d 1020, 1024 (9th Cir. 1989).

#### **A. Rule 21 Motion**

Jane Doe 3 and Jane Doe 4’s first attempt to join in this proceeding was brought under Rule 21. (DE 280). “If parties seek to add a party under Rule 21, courts generally use the standard of Rule 15, governing amendments to pleadings, to determine whether to allow the addition.” 12 Wright & Miller, Fed. Prac. & Fed. P., p. 432 (3d ed. 2013); see also Galustian v. Peter, 591 F.3d 724, 729-30 (4th Cir. 2010) (collecting cases and noting that Rule 15(a) applies to amendments seeking to add parties); Frank v. U.S. West, Inc., 3 F.3d 1357, 1365 (10th Cir. 1993) (“A motion to add a party is governed by Fed. R. Civ. P. 15(a) . . .”).

Rule 21, “Misjoinder and Non-joinder of Parties,” provides the court with a tool for correcting the “misjoinder” of parties that would otherwise result in dismissal. Fed. R. Civ. P. 21. Insofar as Rule 21 “relates to the addition of parties, it is intended to permit the bringing in of a person, who through inadvertence, mistake or for some other reason, had not been made a party and whose presence as a party is later found necessary or desirable.” United States v. Com. Bank of N. Am., 31 F.R.D. 133, 135 (S.D.N.Y. 1962) (internal quotation marks omitted).

In their Rule 21 Motion, Jane Doe 3 and Jane Doe 4 do not claim that they were omitted from this proceeding due to any “inadvertence” or “mistake” by Petitioners; rather, they seek to join this proceeding as parties that could have been permissively joined in the original petition under Rule 20 (“Permissive Joinder of Parties”). As courts generally use the standards of Rule 15 to evaluate such circumstances, the Court will consider the joinder issue as presented in the Rule 15 Motion.<sup>1</sup> The Court will consider the arguments presented in the Rule 21 Motion as if they are set forth in the Rule 15 Motion as well. Because the arguments are presented in the Rule 15 Motion (and because the Court is denying the Rule 15 Motion on its merits, as discussed below), the Rule 21 Motion will be denied.

The Court also concludes that portions of the Rule 21 Motion—and related filings—should be stricken from the record. Pending for this Court’s consideration is a Motion for Limited Intervention filed by Alan M. Dershowitz, who seeks to intervene to “strike the outrageous and impertinent allegations made against him and [to] request[] a show cause order to the attorneys that have made them.” (DE 282 at 1). The Court has considered Mr. Dershowitz’s arguments, but it finds that his intervention is unnecessary as Federal Rule of Civil Procedure 12(f) empowers the Court “on its own” to “strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f).

Petitioners’ Rule 21 Motion consists of relatively little argumentation regarding why the Court should permit them to join in this action: they argue that (1) they were sexually abused by

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<sup>1</sup> The Court notes that, regardless of which motion it considers, the same standard governs the addition of parties under Rule 21 and Rule 15. See Goston v. Potter, No. 08-cv-478 FJS ATB, 2010 WL 4774238, at \*5 (N.D.N.Y. 2010) (citing Bridgeport Music, Inc. v. Universal Music Grp., Inc., 248 F.R.D. 408, 412 (S.D.N.Y. 2008)).

Jeffrey Epstein, and (2) the Government violated their CVRA rights by concealing the non-prosecution agreement with them. (DE 280 at 3; see id. at 7-8). However, the bulk of the Rule 21 Motion consists of copious factual details that Jane Doe 3 and Jane Doe 4 “would prove” “[i]f allowed to join this action.” (Id. at 3, 7). Specifically, Jane Doe 3 proffers that she could prove the circumstances under which a non-party introduced her to Mr. Epstein, and how Mr. Epstein sexually trafficked her to several high-profile non-party individuals, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders.” (Id. at 3-6). She names several individuals, and she offers details about the type of sex acts performed and where they took place. (See id. at 5).<sup>2</sup>

At this juncture in the proceedings, these lurid details are unnecessary to the determination of whether Jane Doe 3 and Jane Doe 4 should be permitted to join Petitioners’ claim that the Government violated their rights under the CVRA. The factual details regarding with whom and where the Jane Does engaged in sexual activities are immaterial and impertinent to this central claim (i.e., that they were known victims of Mr. Epstein and the Government owed them CVRA duties), especially considering that these details involve non-parties who are not related to the respondent Government. These unnecessary details shall be stricken.

The original Rule 21 Motion (DE 279) shall be stricken in its entirety, as it is wholly superseded by the “corrected” version of the Rule 21 Motion (DE 280). From the corrected Rule 21 Motion, the Court shall strike all factual details regarding Jane Doe 3 between the following sentences: “The Government then concealed from Jane Doe #3 the existence of its NPA from

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<sup>2</sup> Jane Doe 4’s proffer is limited to sexual acts between Mr. Epstein and herself. (See DE 280 at 7-8).

Jane Doe #3, in violation of her rights under the CVRA” (id. at 3); and “The Government was well aware of Jane Doe #3 when it was negotiating the NPA, as it listed her as a victim in the attachment to the NPA” (id. at 6). As none of Jane Doe 4’s factual details relate to non-parties, the Court finds it unnecessary to strike the portion of the Rule 21 Motion related to her circumstances. Regarding the Declaration in support of Petitioners’ response to Mr. Dershowitz’s motion to intervene (DE 291-1), the Court shall strike paragraphs 4, 5, 7, 11, 13, 15, 19 through 53, and 59, as they contain impertinent details regarding non-parties. Regarding the Declaration of Jane Doe 3 in support of the Rule 21 Motion (DE 310-1), the Court shall strike paragraphs 7 through 12, 16, 39, and 49, as they contain impertinent details regarding non-parties. Jane Doe 3 is free to reassert these factual details through proper evidentiary proof, should Petitioners demonstrate a good faith basis for believing that such details are pertinent to a matter presented for the Court’s consideration.

As mentioned, Mr. Dershowitz moves to intervene “for the limited purposes of moving to strike the outrageous and impertinent allegations made against him and requesting a show cause order to the attorneys that have made them.” (DE 282 at 1). As the Court has taken it upon itself to strike the impertinent factual details from the Rule 21 Motion and related filings, the Court concludes that Mr. Dershowitz’s intervention in this case is unnecessary. Accordingly, his motion to intervene will be denied as moot.<sup>3</sup> Regarding whether a show cause order should

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<sup>3</sup> This also moots Mr. Dershowitz’s Motion for Leave to File Supplemental Reply in Support of Motion for Limited Intervention. (DE 317). Denying Mr. Dershowitz’s motion to intervene also renders moot Petitioners’ motion (DE 292) to file a sealed document supporting its response to Mr. Dershowitz’s motion. It will accordingly be denied as moot, and DE 293 (the sealed response) will be stricken from the record.

issue, the Court finds that its action of striking the lurid details from Petitioners' submissions is sanction enough. However, the Court cautions that all counsel are subject to Rule 11's mandate that all submissions be presented for a proper purpose and factual contentions have evidentiary support, Fed. R. Civ. P. 11(b)(1) and (3), and that the Court may, on its own, strike from any pleading "any redundant, immaterial, impertinent, or scandalous matter," Fed. R. Civ. P. 12(f).

#### **B. Rule 15 Motion**

Between their two motions (the Rule 21 Motion and Rule 15 Motion), Jane Doe 3 and Jane Doe 4 assert that "they desire to join in this action to vindicate their rights [under the CVRA] as well." (DE 280 at 1). Although Petitioners already seek the invalidation of Mr. Epstein's non-prosecution agreement on behalf of all "other similarly-situated victims" (DE 189 at 1; DE 311 at 2, 12, 15, 18-19), Jane Doe 3 and Jane Doe 4 argue that they should be fellow travelers in this pursuit, lest they "be forced to file a separate suit raising their claims" resulting in "duplicative litigation" (DE 280 at 11). The Court finds that justice does not require adding new parties this late in the proceedings who will raise claims that are admittedly "duplicative" of the claims already presented by Petitioners.

The Does' submissions demonstrate that it is entirely unnecessary for Jane Doe 3 and Jane Doe 4 to proceed as parties in this action, rather than as fact witnesses available to offer relevant, admissible, and non-cumulative testimony. (See, e.g., DE 280 at 2 (Jane Doe 3 and Jane Doe 4 "are in many respects similarly situated to the current victims"), 9 ("The new victims will establish at trial that the Government violated their CVRA rights in the same way as it violated the rights of the other victims."), 10 (Jane Doe 3 and Jane Doe 4 "will simply join in motions that the current victims were going to file in any event."), 11 (litigating Jane Doe 3 and

Jane Doe 4’s claims would be “duplicative”); DE 298 at 1 n.1 (“As promised . . . Jane Doe No. 3 and Jane Doe No. 4 do not seek to expand the number of pleadings filed in this case. If allowed to join this action, they would simply support the pleadings already being filed by Jane Doe No. 1 and Jane Doe No. 2.”); DE 311 at 5 n.3 (“[A]ll four victims (represented by the same legal counsel) intend to coordinate efforts and avoid duplicative pleadings.”), 15 (Jane Doe 3 and Jane Doe 4 “challenge the same secret agreement—i.e., the NPA that the Government executed with Epstein and then concealed from the victims. This is made clear by the proposed amendment itself, in which all four victims simply allege the same general facts.”)). As the Does argue at length in their Rule 15 Motion, Jane Doe 1’s original petition “specifically allege[s] that the Government was violating not only her rights but the rights of other similarly-situated victims.” (DE 311 at 2). The Court fails to see why the addition of “other similarly-situated victims” is now necessary to “vindicate their rights as well.” (DE 280 at 1).

Of course, Jane Doe 3 and Jane Doe 4 can participate in this litigated effort to vindicate the rights of similarly situated victims—there is no requirement that the evidentiary proof submitted in this case come only from the named parties. Petitioners point out as much, noting that, regardless of whether this Court grants the Rule 15 Motion, “they will call Jane Doe No. 3 as a witness at any trial.” (DE 311 at 17 n.7). The necessary “participation” of Jane Doe 3 and Jane Doe 4 in this case can be satisfied by offering their properly supported—and relevant, admissible, and non-cumulative—testimony as needed, whether through testimony at trial (see DE 280 at 9) or affidavits submitted to support the relevancy of discovery requests<sup>4</sup> (see

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<sup>4</sup> The non-party Jane Does clearly understand how to submit affidavits. (See DEs 291-1, 310-1).



id. at 10). Petitioners do not contend that Jane Doe 3 and Jane Doe 4’s “participation in this case” can only be achieved by listing them as parties.

As it stands under the original petition, the merits of this case will be decided based on a determination of whether the Government violated the rights of Jane Doe 1, Jane Doe 2, and all “other similarly situated victims” under the CVRA. Jane Doe 3 and Jane Doe 4 may offer relevant, admissible, and non-cumulative evidence that advances that determination, but their participation as listed parties is not necessary in that regard. See Herring, 894 F.2d at 1024 (District court did not abuse its discretion by denying amendment where “addition of more plaintiffs . . . would not have affected the issues underlying the grant of summary judgment.”); cf. Arthur v. Stern, 2008 WL 2620116, at \*7 (S.D. Tex. 2008) (Under Rule 15, “courts have held that leave to amend to assert a claim already at issue in [another lawsuit] should not be granted if the same parties are involved, the same substantive claim is raised, and the same relief is sought.”).<sup>5</sup> And, as to Jane Doe 4 at least, adding her as a party raises unnecessary questions about whether she is a proper party to this action.<sup>6</sup>

Petitioners also admit that amending the petition to conform to the evidence—by including references to the non-prosecution agreement itself—is “unnecessary” as the “existing petition is broad enough to cover the developing evidence in this case.” (DE 311). The Court

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<sup>5</sup> The Court expresses no opinion at this time whether any of the attestations made by Jane Doe 3 and Jane Doe 4 in support of their motion will be relevant, admissible, and non-cumulative.

<sup>6</sup> The Government contends that Jane Doe 4 is not a true “victim” in this case because she was not known at the time the Government negotiated the non-prosecution agreement, and accordingly she was not entitled to notification rights under the CVRA. (See DE 290 at 10). Any “duplicative” litigation filed by Jane Doe 4 would necessarily raise the issue of whether she has standing under the CVRA under these circumstances.


agrees, and it concludes that justice does not require amending the petition this late in the proceedings.

### III. Conclusion

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows: the Rule 21 Motion (DE 280) is **DENIED**; the Rule 15 Motion (DE 311) is **DENIED**; Intervenor Dershowitz's Motion for Limited Intervention (DE 282) and Motion for Leave to File Supplemental Reply in Support of Motion for Limited Intervention (DE 317) are **DENIED AS MOOT**; Petitioners' Motion to Seal (DE 292) is **DENIED AS MOOT**; the following materials are hereby **STRICKEN** from the record:

- DE 279, in its entirety.
- DE 280, all sentences between the following sentences: "The Government then concealed from Jane Doe #3 the existence of its NPA from Jane Doe #3, in violation of her rights under the CVRA" (DE 280 at 3); and "The Government was well aware of Jane Doe #3 when it was negotiating the NPA, as it listed her as a victim in the attachment to the NPA" (DE 280 at 6).
- DE 291-1, paragraphs 4, 5, 7, 11, 13, 15, 19 through 53, and 59.
- DE 310-1, paragraphs 7 through 12, 16, 39, and 49.
- DE 293, in its entirety.

**DONE AND ORDERED** in chambers at West Palm Beach, Palm Beach County, Florida, this 6<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
KENNETH A. MARRA  
United States District Judge

# **Exhibit C**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 08-80736-CIV-MARRA**

JANE DOE #1 and JANE DOE #2,  
Petitioners,

vs.

UNITED STATES OF AMERICA,  
Respondent.

\_\_\_\_\_ /

**DECLARATION OF** [REDACTED]

1. My name is [REDACTED] and I was born in August, 1983.
2. I am currently 31 years old.
3. I grew up in Palm Beach, Florida. When I was little, I loved animals and wanted to be a veterinarian. But my life took a very different turn when adults began to be interested in having sex with me.
4. In approximately 1999, when I was 15 years old, I met Ghislaine Maxwell. She is the daughter of Robert Maxwell, who had been a wealthy publisher in Britain. Maxwell asked that I come with her to Jeffrey Epstein's mansion for the purposes of teaching me how to perform "massages" and to train me professionally in that area. Soon after that I went to Epstein's home in Palm Beach on El Brillo Way.
5. From the first time I was taken to Epstein's mansion that day, his motivations and actions were sexual, as were Maxwell's. My father was not allowed inside. I was brought up some stairs. There was a naked guy, Epstein, on the table in the room. Epstein and Maxwell forced me into sexual activity with Epstein. I was 15 years old at the time. He seemed to be in his 40s or 50s. I was paid \$200. I was driven home by one of Epstein's employees.

6. I came back for several days following and did the same sorts of sexual things for Epstein.

7. After I did those things for Epstein, he and Maxwell said they were going to have me travel and were going to get an education for me. They were promising me the world, that I would travel with Epstein on his private jet and have a well-paid profession. Epstein said he would eventually match me up with a wealthy person so that I would be “set up” for life.

8. So I started “working” exclusively for Epstein. He took me to New York on his big, private jet. We went to his mansion in New York City. I was shown to my room, a very luxurious room. The mansion was huge. I got scared because it was so big. Epstein brought me to a room with a massage parlor. To me, it looked like an S&M parlor. Epstein made me engage in sexual activities with him there.

9. You can see how young I looked in the photograph below.



10. Epstein took me on a ferry boat on one of the trips to New York City and there he took the picture above. I was approximately 15 or 16 years old at the time.

11. Over the next few weeks, Jeffrey Epstein and Ghislaine Maxwell trained me to do what they wanted, including sexual activities and the use of sexual toys. The training was in New York and Florida, at Epstein's mansions. It was basically every day and was like going to school. I also had to have sex with Epstein many times.

12. I was trained to be "everything a man wanted me to be." It wasn't just sexual training - they wanted me to be able to cater to all the needs of the men they were going to send me to. They said that they loved that I was very compliant and knew how to keep my mouth shut.

13. Epstein and Maxwell also told me that they wanted me to produce things for them in addition to performing sex on the men. They told to me to pay attention to the details about what the men wanted, so I could report back to them.

14. From very early on I was fearful of Epstein. Epstein told me he was a billionaire. I told my mother that I was working for this rich guy, and she said "go, go far away." Epstein had promised me a lot, and I knew if I left I would be in big trouble. I also knew that I was a witness to a lot of illegal and very bad behavior by Epstein and his friends. If I left Epstein, he knew all kinds of powerful people. He could have had me killed or abducted, and I always knew he was capable of that if I did not obey him. He let me know that he knew many people in high places. Speaking about himself, he said "I can get away" with things. I was very scared, particularly since I was a teenager.

15. I visited and traveled with Jeffrey Epstein from 1999 through the summer of 2002, and during that time I stayed with him, as his sex slave, at each of his houses (really more like mansions) in locations including New York City, New York; the area of Santa Fe, New Mexico; Palm Beach, Florida; an island in the U.S. Virgin Islands; and Paris, France. I had sex with him often in these places and also with the various people he demanded that I have sex with. Epstein paid me for many of these sexual encounters. In fact, my only purpose for Epstein, Maxwell and their friends was to be used for sex.

16. To illustrate my connection to these places, I include four photographs taken of me in New Mexico (shown below). The first one is a museum in Santa Fe, New Mexico. We had gone sightseeing for the day. Epstein took this picture of me. I was approximately 17 at the time, judging from the looks of it. At the end of the day we returned to Epstein's Zorro Ranch. The second picture is me on one of Epstein's horses on the ranch in New Mexico. The following two are from wintertime in New Mexico.







17. When I was with him, Epstein had sex with underage girls on a daily basis. His interest in this kind of sex was obvious to the people around him. The activities were so obvious



and bold that anyone spending any significant time at one of Epstein's residences would have clearly been aware of what was going on.

18. Epstein's code word for sexual encounters was that it was a "massage". At times the interaction between Epstein and the girls would start in a massage room setting, it was always a sexual encounter and never just a massage.

19. In addition to constantly finding underage girls to satisfy their personal desires, Epstein and Maxwell also got girls for Epstein's friends and acquaintances. Epstein specifically told me that the reason for him doing this was so that they would "owe him," they would "be in his pocket," and he would "have something on them." I understood him to mean that when someone was in his pocket, they owed him favors. I also understood that Epstein thought he could get leniency if he was ever caught doing anything illegal, or more so that he could escape trouble altogether.

20. Ghislaine Maxwell was heavily involved in the illegal sex. I understood her to be a very powerful person. She used Epstein's money and he used her name and connections to gain power and prestige.

21. One way to describe Maxwell's role was as the "madame." She assumed a position of trust for all the girls, including me. She got me to trust her and Epstein. It turned out that Maxwell was all about sex all the time. She had sex with underage girls virtually every day when I was around her, and she was very forceful.

22. I first had sexual activities with her when I was approximately 15 at the Palm Beach mansion. I had many sexual activities with her over the next several years in Epstein's various residences plus other exotic locations. I had sex with Maxwell in the Virgin Islands,

New Mexico, New York, as well as France and many other locations. I also observed Maxwell have sex with dozens of underage girls.

23. Maxwell took pictures of many of the underage girls. These pictures were sexually explicit. Maxwell kept the pictures on the computers in the various houses. She also made hard copies of these images and displayed them in the various houses. Maxwell had large amounts of child pornography that she personally made. Many times she made me sleep with other girls, some of whom were very young, for purposes of taking sexual pictures.

24. Harvard law professor Alan Dershowitz was around Epstein frequently. Dershowitz was so comfortable with the sex that was going on that he would even come and chat with Epstein while I was giving oral sex to Epstein.

25. I had sexual intercourse with Dershowitz at least six times. The first time was when I was about 16, early on in my servitude to Epstein, and it continued until I was 19.

26. The first time we had sex took place in New York in Epstein's home. It was in Epstein's room (not the massage room). I was approximately 16 years old at the time. I called Dershowitz "Alan." I knew he was a famous professor.

27. The second time that I had sex with Dershowitz was at Epstein's house in Palm Beach. During this encounter, Dershowitz instructed me to both perform oral sex and have sexual intercourse.

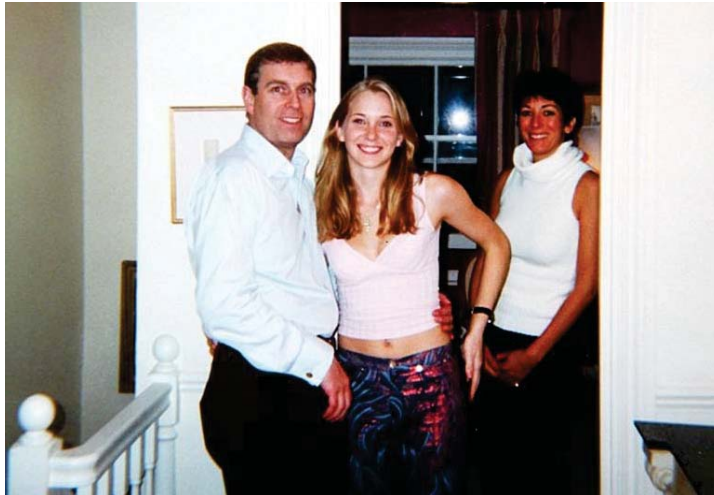
28. I also had sex with Dershowitz at Epstein's Zorro Ranch in New Mexico in the massage room off of the indoor pool area, which was still being painted.

29. We also had sex at Little Saint James Island in the U.S. Virgin Islands. I was asked to give Dershowitz a massage on the beach. Dershowitz then asked me to take him somewhere more private, where we proceeded to have intercourse.

30. Another sexual encounter between me and Dershowitz happened on Epstein's airplane. Another girl was present on the plane with us.

31. I have recently seen a former Harvard law professor identified as Alan Dershowitz on television calling me a "liar." He is lying by denying that he had sex with me. That man is the same man that I had sex with at least six times.

32. Epstein made me have sex with Prince Andrew several times. Prince Andrew, Maxwell, and I are shown in the photograph below. I had sex with him three times, including one orgy. I knew he was a member of the British Royal Family, but I just called him "Andy."



33. One day when I was in London (specifically in a townhouse that is under Maxwell's name), I got news from Maxwell that I would be meeting a prince. Later that day, Epstein told me I was meeting a "major prince." Epstein told me "to exceed" everything I had been taught. He emphasized that whatever Prince Andrew wanted, I was to make sure he got.

34. Eventually Prince Andrew arrived, along with his security guards. The guards then went out of the house and stayed out front in their car. It was just Epstein, Maxwell, and me inside alone with Andy. I was introduced to the Prince, and we kissed formally, cheek to cheek.

There was a lot of legal discussion about Andy and his ex-wife (“Fergie”). Then the discussion turned to me. Maxwell said “guess how old she is.” Prince Andrew guessed 17.

35. Then we all went to a Chinese restaurant for dinner and then to Club Tramp, a fancy “members only” night club in central London. Andy arranged for alcohol to be provided to me at the club. Eventually we left. I rode with Epstein and Maxwell back to the townhouse. On the way there, Epstein and Maxwell informed me that the Prince wanted to see “more of me” that night. Andy traveled in a separate car with his guards.

36. We all arrived back at the townhome and went upstairs. Epstein took a picture of me and Andy with my own camera. The picture above is that picture, which has been widely circulated on the internet. Andy has his left arm around my waist and is smiling. The picture was developed on March 13, 2001, and was taken sometime shortly before I had it developed. I was 17 years old at the time.

37. I wanted a picture with the prince because I was keeping in contact with my family. I had told my mom and my grandma that I was meeting Prince Andrew and that I’d take a picture for them. They told me to “be careful.”

38. After the picture, Epstein and Maxwell kissed me and said to “have fun.” They left Andy and me alone upstairs. We went to the bathroom and bedroom, which were just steps away from where the picture was taken. We engaged in sexual activities there. Afterwards, Andy left quickly with his security.

39. I chatted with Epstein about this the next day. I told him, “it went great.” Epstein said something to the effect of, “You did well. The Prince had fun.” I felt like I was being graded. It was horrible to have to recount all these events and have to try to meet all these needs

and wants. I told Epstein about Andy's sexual interests in feet. Epstein thought it was very funny. Epstein appeared to be collecting private information about Andy.

40. When I got back from my trip, Epstein paid me more than he had paid me to be with anyone else – approximately \$15,000. That money was for what I had done and to keep my mouth shut about “working” with the Prince.

41. The second time I had sex with Prince Andrew was in Epstein's New York mansion in spring 2001. I was 17 at time. Epstein called me down to his office. When I got there, Epstein was there, along with Maxwell, Johanna Sjoborg, and Andy. I was very surprised to see him again. Epstein and Maxwell were making lewd jokes about “Randy Andy”.

42. I had the impression that Andy had come there to see Epstein and to have sex me with. There was no other apparent purpose for Andy to be there.

43. I was told to go upstairs with Andy and to go to the room I thought of as the “dungeon” (the massage room, but it is really scary looking). I had sex with Andy there. I was only paid \$400 from Epstein for servicing Andy that time.

44. The third time I had sex with Andy was in an orgy on Epstein's private island in the U.S. Virgin Islands. I was around 18 at the time. Epstein, Andy, approximately eight other young girls, and I had sex together. The other girls all seemed and appeared to be under the age of 18 and didn't really speak English. Epstein laughed about the fact they couldn't really communicate, saying that they are the “easiest” girls to get along with. My assumption was that Jean Luc Brunel got the girls from Eastern Europe (as he procured many young foreign girls for Epstein). They were young and European looking and sounding.

45. Afterwards we all had dinner by the cabanas. The other girls were chatting away among themselves, and Epstein and the Prince chatted together. I felt disgusted, and went

quickly to my own cabana that night and went to sleep. Prince Andrew must have flown out early the next morning, as I did not see him when I got up.

46. I have seen Buckingham Palace's recent "emphatic" denial that Prince Andrew had sexual contact with me. That denial is false and hurtful to me. I did have sexual contact with him as I have described here – under oath. Given what he knows and has seen, I was hoping that he would simply voluntarily tell the truth about everything. I hope my attorneys can interview Prince Andrew under oath about the contacts and that he will tell the truth.

47. I also had sexual intercourse with Jean Luc Brunel many times when I was 16 through 19 years old. He was another of Epstein's powerful friends who had many contacts with young girls throughout the world. In fact, his only similarity with Epstein and the only link to their friendship appeared to be that Brunel could get dozens of underage girls and feed Epstein's (and Maxwell's) strong appetite for sex with minors.

48. Brunel ran some kind of modeling agency and appeared to have an arrangement with the U.S. Government where he could get passports or other travel documents for young girls. He would then bring these young girls (girls ranging in age from 12 to 24) to the United States for sexual purposes and farm them out to his friends, including Epstein.

49. Brunel would offer the girls "modeling" jobs. A lot of the girls came from poor countries or poor backgrounds, and he lured them in with a promise of making good money.

50. I had to have sex with Brunel at Little St. James (orgies), Palm Beach, New York City, New Mexico, Paris, the south of France, and California. He did not care about conversation, just sex.

51. Jeffrey Epstein has told me that he has slept with over 1,000 of Brunel's girls, and everything that I have seen confirms this claim. Epstein, Brunel, and Maxwell loved orgies with

kids – that is, having sexual interactions with many young teenagers at the same time. Sometimes as many as ten underage girls would participate in a single orgy with them. I personally observed dozens of these orgies. The orgies happened on Epstein's island in the U.S. Virgin Islands, in New Mexico, Palm Beach, and many other places. Most of the girls did not speak English. It was my understanding that the girls had been persuaded to come by Brunel offering them illegal drugs or a career in modeling. Brunel was one of the main procurers of girls.

52. In addition to Ghislaine Maxwell, Sarah Kellen, and [REDACTED] were also involved in the orgies. At this stage, I am hopeful that these other women will come forward and tell the truth about everything because that will help prevent future similar abuse.

53. I have seen reports saying or implying that I had sex with former President Bill Clinton on Little Saint James Island. Former President Bill Clinton was present on the Island at a time when I was also present on the Island, but I have never had sexual relations with Clinton, nor have I ever claimed to have had such relations. I have never seen him have sexual relations with anyone.

54. I now understand that Epstein reached a non-prosecution agreement with the federal government in 2007 and pled guilty to two state crimes in June 2008. I now know that I was identified by the federal government as one of Epstein's and his co-conspirator's sexually abused victims. However, no one told me about those events until after they happened.

55. On September 3, 2008, the FBI sent a victim notification letter to me. This was the first written communication I had received from the FBI. The letter is attached as Exhibit 1. The letter describes an agreement in which compensation would be made victims of Epstein's

sexual abuse. The letter also said that the federal government was going to “defer federal prosecution.” No one had told me about deferring federal prosecution before this.

56. In 2011, two FBI agents, called me in Australia and then came to meet me. They met me at the U.S. Consulate in Sidney. They seemed to be very professional and hard working. I thought to myself, “Wow, these people will do the right thing against the bad guys and protect me.”

57. The agents were mainly focused on Epstein but while there I provided them some information about others who were involved in illegal acts as well. I was aware that a false statement to these law enforcement officers was a crime and I told the truth – giving them the information that I could recall about the individuals they inquired about.

58. Epstein also trafficked me for sexual purposes to many other powerful men, including politicians and powerful business executives. Epstein required me to describe the sexual events that I had with these men presumably so that he could potentially blackmail them. I am still very fearful of these men today.

59. I will continue to cooperate fully in the investigation and prosecution of Epstein, Maxwell, or any of their friends who participated in the sexual abuse of minors. I also hope that this information is treated in a way that will keep me safe from Epstein and others criminals identified here so as to encourage more victims of similar crimes to come forward. If these crimes are not prosecuted, despite my volunteering this information and cooperation, then it may deter other similar victims from coming forward.

60. In this affidavit, I have tried to focus on how I was trafficked for sexual purposes. I have not described all of the details of the sexual activities Epstein forced me to have. Also, I have not described all of the details of the other events discussed here. If a judge wants me to



present my information in more detail, including more specific descriptions of the sexual activities with the men Epstein sent me to, I could do so.

61. I have directed my attorneys, Bradley J. Edwards and Paul G. Cassell, to pursue all reasonable and legitimate means to have criminal charges brought against these powerful people for the crimes they have committed against me and other girls. They are representing me in this case pro bono.

62. Since I filed my motion in this case, my credibility has been attacked. I am telling the truth and will not let these attacks prevent me from exposing the truth of how I was trafficked for sex to many powerful people. These powerful people seem to think that they don't have to follow the same rules as everyone else. That is wrong. I hope that by coming forward, I can help expose the problem of sex trafficking and prevent the same sort of abuse and degradation that happened to me from happening to other girls.

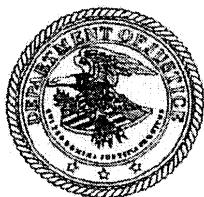
63. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of January, 2015.

(Location of signature left undisclosed for security reasons)



# EXHIBIT 1



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

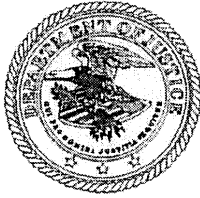
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*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

September 3, 2008

**NOTIFICATION OF IDENTIFIED VICTIM**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**



U.S. Department of Justice

United States Attorney  
Southern District of Florida

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500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

September 3, 2008

VIA COURIER

Re: Jeffrey Epstein/ **NOTIFICATION OF**  
**IDENTIFIED VICTIM**

Dear :

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida provides you with the following notice because you are an identified victim of a federal offense.

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions, including the following:

1. An independent Special Master was assigned the task of selecting an attorney representative to represent the victims, including you, in connection with civil actions between the victims and Mr. Epstein. The

NOTIFICATION OF IDENTIFIED VICTIM  
SEPTEMBER 3, 2008  
PAGE 2 OF 3

Special Master selected Robert Josefsberg, Esq. of the firm Podhurst Orseck, P.A., a highly-respected and experienced attorney. You are not obligated to use Mr. Josefsberg as your civil attorney, but, as explained in greater detail below, Mr. Josefsberg's services will be provided at no cost to you because Mr. Epstein is obligated to pay the costs and fees of the attorney-representative. Also, Mr. Epstein and his attorneys can only contact you via Mr. Josefsberg, assuming that you would like Mr. Josefsberg to serve as your attorney.

2. If you elect to file suit against Mr. Epstein pursuant to Title 18, United States Code, Section 2255, Mr. Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Mr. Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between you and Mr. Epstein, so long as you elect to proceed exclusively under 18 U.S.C. § 2255, and you waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, Epstein's agreement with the United States, his waivers and failure to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
3. As stated above, Mr. Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, you and Mr. Josefsberg elect to file a contested lawsuit pursuant to 18 U.S.C. § 2255 or you elect to pursue any other contested remedy, the obligation to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in Section 2255, shall cease.

Please contact either myself at \_\_\_\_\_ or Justice  
Department Victim-Witness Specialist Twiler Smith at \_\_\_\_\_ with a good  
telephone number and/or e-mail address, so that we may provide Mr. Josefsberg with a  
timely means of communicating with you. If you would like to contact Mr. Josefsberg



NOTIFICATION OF IDENTIFIED VICTIM  
SEPTEMBER 3, 2008  
PAGE 3 OF 3

directly, he can be reached at +1 305 358-2800.

If you have already selected other counsel to represent you, or if you do so in the future, and you decide to file a claim against Jeffrey Epstein, Mr. Epstein's attorney, Jack Goldberger, asks that you have your attorney contact Mr. Goldberger at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

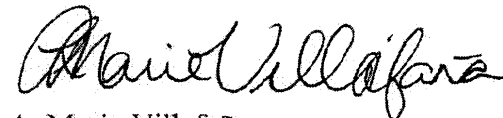
In addition, there has been litigation between the United States and two other victims regarding the disclosure of the entire agreement between the United States and Mr. Epstein. Mr. Josefsberg can provide further guidance on this issue, or if you select another attorney to represent you, that attorney can review the Court's order in the matter of *In re Jane Does 1 and 2*, United States District Court for the Southern District of Florida Court File No. 08-80736-CIV-MARRA.

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation. Thank you for all of your assistance during the course of the federal and state investigations and please accept the heartfelt regards of myself and Special Agents Kuyrkendall, Slater, and Richards for your health and well-being.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:



A. Marie Villafañá  
Assistant United States Attorney

cc: Robert Josefsberg, Esq.  
Jack Goldberger, Esq.

# **Exhibit D**

To: Sharon.Churcher@mailonsunday.co.uk [Sharon.Churcher@mailonsunday.co.uk]  
 From: Virginia Giuffre  
 Sent: Thur 5/12/2011 2:21:43 AM  
 Importance: Normal  
 Subject: Re: Good News!!  
 Received: Thur 5/12/2011 2:21:43 AM

Thanks again Shazza, I'm bringing down the house with this book!!!  
 xoxo Jenna

--- On Wed, 11/5/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>  
 Subject: Re: Good News!!  
 To: "Virginia Giuffre" <[REDACTED]>  
 Received: Wednesday, 11 May, 2011, 4:17 PM

Don't forget Alan Dershowitz...JE's buddy and lawyer..good name for your pitch as he repped Claus von Bulow and a movie was made about that case...title was Reversal of Fortune. We all suspect Alan is a pedo and tho no proof of that, you probably met him when he was hanging out w JE

----->  
 From: |  
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 >  
 |Virginia Giuffre [REDACTED] |  
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 To: |  
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 >  
 |Sharon Churcher |  
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 Date: |  
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 |10/05/2011 23:00 GDT |  
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 Subject: |  
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 >  
 |Good News!! |  
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 |Hi Sharon, |  
 |  
 |Hello gorgeous, I hope this message comes to you on a bright, sunny day!!!  
 |I took your advice about what to offer Sandra and she accepted. Were |  
 |drawing up a contract through her agent right now and getting busy to meet|



my deadline. Just wondering if you have any information on you from when  
you and I were doing interviews about the J.E story. I wanted to put the  
names of some of these assholes, oops, I meant to say, pedo's, that J.E  
sent me to. With everything going on my brain feels like mush and it would  
be a great deal of help!  
Having fun sweetie?

Thanks,  
Jenna

---

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# **Exhibit E**

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NEW YORK

# Alleged 'sex slave' Virginia Roberts says she didn't have sex with former President Bill Clinton, but in explosive court filing, details 11-person orgy with Prince Andrew and others



By DAREH GREGORIAN  
NEW YORK DAILY NEWS | JAN 21, 2015



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Virginia Roberts detailed an 11-person orgy with Prince Andrew (both pictured) in court papers.

She did not have sexual relations with that man, President Clinton — but billionaire Jeffrey Epstein's alleged "sex slave" is now swearing under oath and in excruciating detail about underaged sexual trysts with Prince Andrew and others.

In papers filed Wednesday in Florida federal court, "Jane Doe No. 3," Virginia Roberts, detailed an 11-person orgy in 2001 with the British prince, who's been dubbed "Randy Andy."

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Or, as Roberts called him, just "Andy."

Roberts, now 31, also doubled down on her claims that she had sex with renowned lawyer Alan Dershowitz, swearing in court papers that she had sex with him six times - and that he once stood casually chatting with Epstein as she was performing oral sex on the freaky financier.

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## employees have about health insurance

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Meanwhile, Epstein's girlfriend, socialite Ghislaine Maxwell, had "forceful" sex with underaged girls — including Roberts — almost daily, the explosive filing says.

One person Roberts said she didn't have sex with while working for Epstein between 1999 and 2002 was his then-pal, Bill Clinton.

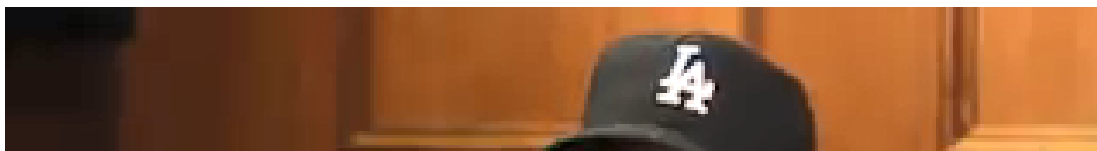
"I have seen reports saying or implying that I had sex with former President Bill Clinton on Little St James Island," an island Epstein owns in the U.S. Virgin Islands.

"Clinton was present on the island at a time when I was also present on the island, but I have never had sexual relations with Clinton, nor have I ever claimed to have had such relations. I have never seen him have sexual relations with anyone," Roberts wrote.

Roberts filed the affidavit after weeks of being called a liar by Buckingham Palace, Dershowitz, and Maxwell.

In the filing, she stands her ground - and demands they and other unnamed movers and shakers who preyed on her be prosecuted.

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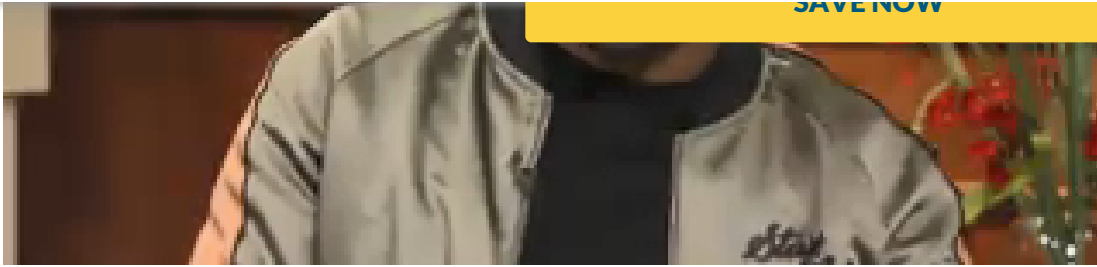


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"I am telling the truth and will not let these attacks prevent me from exposing the truth of how I was trafficked for sex to many powerful people. These powerful people seem to think that they don't have to follow the same rules as everyone else. That is wrong," she said.

Dershowitz told the Daily News that Roberts is the one who should be prosecuted - for perjury.

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Roberts said she didn't have sex with former President Bill Clinton while both were in U.S. Virgin Islands. (New York Daily News Archive/NY Daily News via Getty Images)

"The notion I was standing around chatting with Jeffrey while she's giving him oral sex is so preposterous - it's absurd," Dershowitz said.

"They're all lies, perjurious lies - I never even met this woman!"

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The pervy pair "trained me to do what they wanted, including sexual activities and the use of sexual toys. The training was in New York and Florida, at Epstein's mansions. It was basically every day and was like going to school. I also had to have sex with Epstein many times. I was trained to be 'everything a man wanted to be,'" she said.

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Maxwell, the daughter of late newspaper magnate Robert Maxwell, was "heavily involved" in recruiting young girls for Epstein - and herself, Roberts claimed.

"Maxwell was all about sex all the time. She had sex with underage girls virtually every day when I was around her, and she was very forceful," Roberts said.

"I first had sexual activities with her when I was approximately 15 at the Palm Beach mansion. I had many sexual activities with her over the next several years in Epstein's various residences plus other exotic locations," she said.

"I also observed Maxwell have sex with dozens of underage girls," Roberts said. "Many times she made me sleep with other girls, some of whom were very young, for purposes of taking sexual pictures."

Dershowitz, she claimed, "was around Epstein frequently. Dershowitz was so

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She said she was set up with Dershowitz herself not long after Epstein hired her for massages.

"Epstein's code word for sexual encounters was that it was a 'massage.' At times the interaction between Epstein and the girls would start in a massage room setting, (but) it was always a sexual encounter and never just a massage," Roberts said.

She said she had sex with Dershowitz "at least" six times.

"The first time was when I was about 16, early on in my servitude to Epstein, and it continued until I was 19. The first time we had sex took place in New York in Epstein's home," she said.

A court filing accompanying the affidavit included statements from two former Epstein employees who said Dershowitz was a frequent visitor to Epstein's Palm Beach home. Asked if Dershowitz ever got a massage there, one, Juan Alessi, said, "Yes."

A "massage was like a treat for everybody," he said, and the room where Dershowitz got his "contained a lot of vibrators - Maxwell had a laundry basket . . . full of those toys' in that room," the filing says.

Dershowitz said the statements are "all lies," and "I never got a massage from anybody. It's made up out of whole cloth."

Alessi said another visitor to the Palm Beach house was Prince Andrew, who once came with his then-wife, Sarah (Fergie) Ferguson.

Roberts said she had her first tryst with the fifth in line to the British throne in the spring of 2001.

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Epstein, she said, had taken her to London, and told her "I was meeting a 'major prince.' Epstein told me 'to exceed' everything I had been taught. He emphasized that whatever Prince Andrew wanted, I was to make sure he got," she said. She was 17 at the time.

After the tryst, Epstein grilled her about how it went.

"I told Epstein about Andy's sexual interests in feet. Epstein thought it was very funny," she said. "Epstein appeared to be collecting private information about Andy."

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Epstein paid her \$15,000 for her services. They returned to New York, and not long after, Epstein called Roberts to his office, where he, Maxwell, and the prince were, she said.

"I was surprised to see him again. Epstein and Maxwell were making lewd jokes about 'Randy Andy.' I had the impression that he had come there to see Epstein and have sex with me," she said.

She obliged, in a room she referred to as the 'dungeon.'"

The next time she saw him was later that year, on Epstein's 78-acre estate in the Virgin Islands.

It was an orgy, with the prince, Epstein, and "eight other young girls," she said.

"The other girls all seemed and appeared to be under the age of 18 and didn't really speak English. Epstein laughed about the fact they couldn't really communicate, saying that they are the 'easiest' girls to get along with," Roberts said.

She said that wasn't the only orgy she saw or participated in while working for the mysterious moneyman.

The suit says many of the girls were supplied by modeling agency head Jean Luc Brunel.

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Epstein, Brunel and Maxwell loved  
orgies with kids - that is, having  
sexual interactions with many young  
teenagers at the same time," Roberts  
said - sometimes as many as ten.

Roberts parted ways with Epstein in  
2002, when he sent her to Thailand to study massage. She met and married a man  
there.

Epstein, 61, pleaded guilty in 2008 to soliciting sex from a minor and spent 13 months  
in prison. Roberts and three other victims are fighting to overturn a secret non-  
prosecution agreement he signed with the feds, which identified as many as 40  
underaged victims. The deal also spared his "co-conspirators" from prosecution, and  
Roberts' attorneys say those co-conspirators include Maxwell, Prince Andrew, Brunel,  
and Dershowitz.

"I will continue to cooperate fully in the investigation and prosecution of Epstein,  
Maxwell, or any of their friends who participated in the sexual abuse of minors," Robert  
said.

As for Dershowitz calling her a liar, she fired back: "He is lying by denying that he had  
sex with me. That man is the same man that I had sex with at least six times."

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"She had me drained mentally, physically and emotionally. I gave her everything I had," boyfriend John DiRubba, 54, told the Daily News in an exclusive interview Sunday. "It's really too overwhelming for me and my family."

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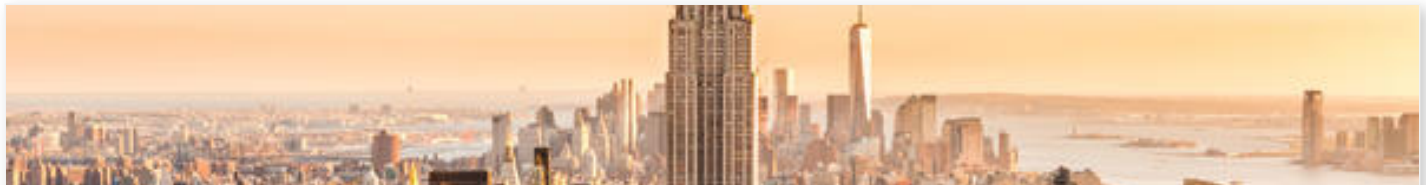
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## Wife of former football coach says teen boy was 'willing participant' in sex

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# **Exhibit F**

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By SHARON CHURCHER and POLLY DUNBAR FOR MAILONLINE  
UPDATED: 19:53 EST, 5 March 201124  
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As a New Yorker from humble beginnings, Jeffrey Epstein played on his blue-collar credentials and enormous wealth to extend tentacles of influence throughout America's liberal political elite.

During the outcry over the Epstein case, it emerged that another man with a notorious appetite for young women, Bill Clinton, travelled with Epstein to a number of destinations, including three times on the billionaire's private aircraft.

On one occasion, Epstein flew the former President, Hollywood actor and staunch Democrat Kevin Spacey and another actor friend of Mr Clinton's, Chris Tucker, to Africa, to 'discuss AIDS policy'.

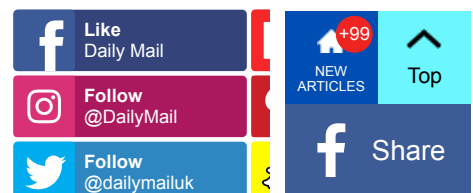


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**Claims: Virginia Roberts says she twice met ex-president Bill Clinton, pictured last month, but was never 'lent out'**

Epstein, who has donated more than £75,000 over the years to candidates from the Democratic Party, also flew with Mr Clinton in November 2003 to destinations including Russia, Oslo, Hong Kong, Shanghai and Beijing.

Yet Virginia Roberts stresses that she was never 'lent out' to Mr Clinton.

On one occasion, she adds, Epstein did invite two young brunettes to a dinner which he gave on his Caribbean island for Mr Clinton shortly after he left office. But, as far as she knows, the ex-President did not take the bait.

'I'd have been about 17 at the time,' she says. 'I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill in a huge black helicopter that Jeffrey had bought her.

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'She'd always wanted to fly and Jeffrey paid for her to take lessons, and I remember she was very excited because she got her licence around the first year we met.

'I used to get frightened flying with her but Bill had the Secret Service with him and I remember him talking about what a good job she did.

'I only ever met Bill twice but Jeffrey had told me that they were good friends.

'I asked, "How come?" and he laughed and said, "He owes me some favours." Maybe he was just joking but it constantly surprised me that people with as much to lose as Bill and [Prince] Andrew weren't more careful.

'Bill must have known about Jeffrey's girls. There were three desks in the living area of the villa on the island.

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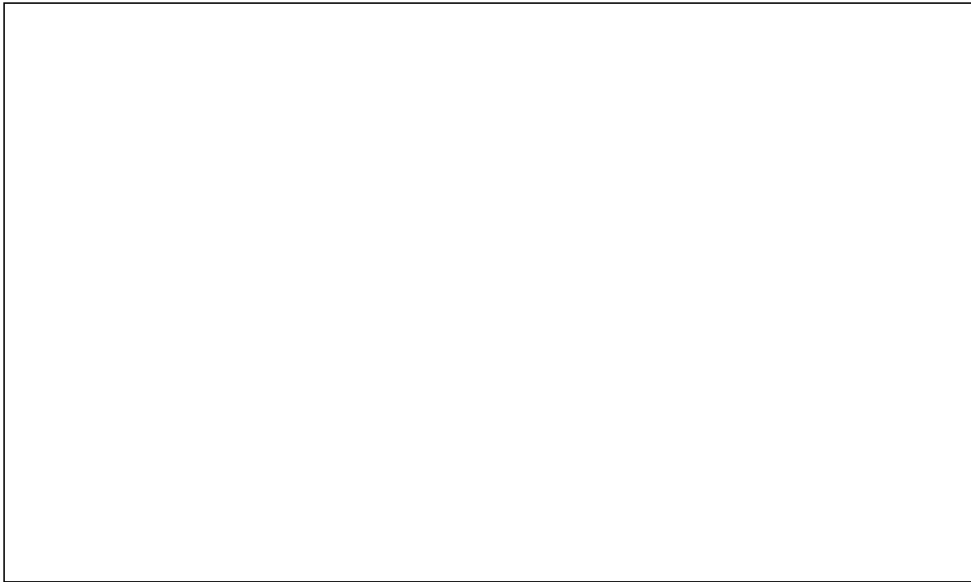
**Jennifer Garner** smiles in her robe with wet hair as she jokes daughter 'barely made the bus but her mother kept it

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### Speaking out: Virginia, now aged 26, in her new home in Australia

'They were covered with pictures of Jeffrey shaking hands with famous people and photos of naked girls, including one of me that Jeffrey had at all his houses, lying in a hammock.

'We all dined together that night. Jeffrey was at the head of the table. Bill was at his left. I sat across from him. Emmy Tayler, Ghislaine's blonde British assistant, sat at my right.

'Ghislaine was at Bill's left and at the left of Ghislaine there were two olive-skinned brunettes who'd flown in with us from New York.

'I'd never met them before. I'd say they were no older than 17, very innocent-looking.

'They weren't there for me. They weren't there for Jeffrey or Ghislaine because I was there to have sex with Jeffrey on the trip.

'Maybe Jeffrey thought they would entertain Bill, but I saw no evidence that he was interested in them. He and Jeffrey and Ghislaine seemed to have a very good relationship. Bill was very funny.

'He made me laugh a few times. And he and Jeffrey and Ghislaine told blokey jokes and the brunettes listened politely and giggled.

'After dinner I gave Jeffrey an erotic massage. I don't remember seeing Bill again on the trip but I assume Ghislaine flew him back.'

According to prison records, when Epstein was serving his jail term, his visitors included a long-time – and highly controversial – Clinton acquaintance, Arnold Proserpi.

'In the final hours of the Clinton presidency, in January 2001, Proserpi was facing three years in prison after being convicted of tax fraud. Mr Clinton commuted his sentence to house arrest.

'Clinton, Proserpi and Epstein make an odd threesome on the face of it,' says a law enforcement source.

**'Bill must have known about Jeffrey's girls. There were three desks in the living area of the villa on the island... covered with photos of naked girls'**

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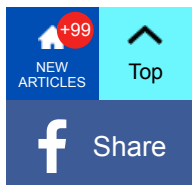
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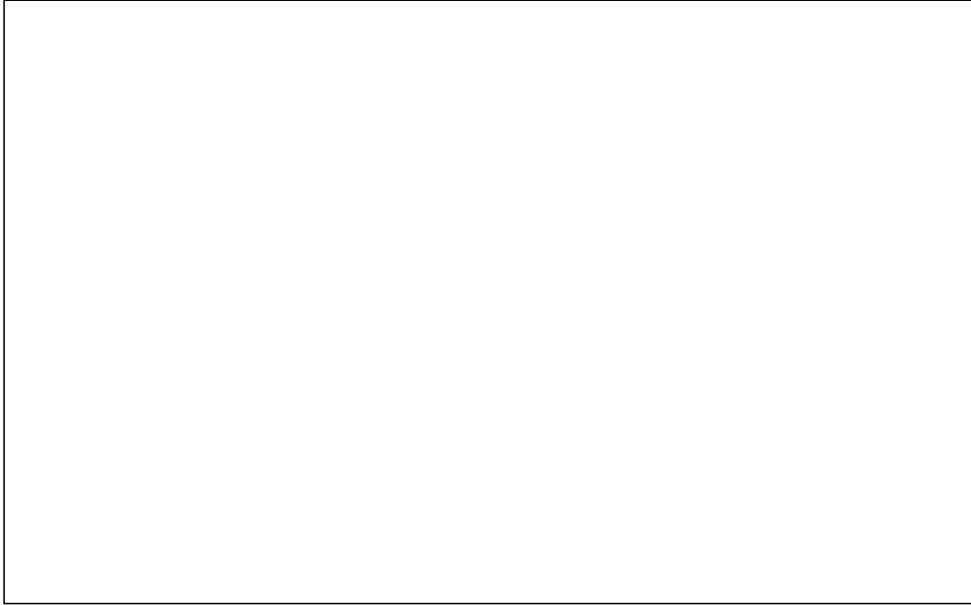


'Was Prospero visiting Epstein as some kind of intermediary for Bill?

'Maybe Bill wanted to know if Epstein knew anything that could embarrass him. Or did Bill commute Prospero's sentence as some kind of favour

for Epstein?'

Virginia disclosed that Mr Clinton's vice-president Al Gore and his wife, Tipper, were also guests of Epstein on his island.



**Guests: Virginia says she also met former Vice President Al Gore, pictured right with Mr Clinton**

Last summer, the Gores abruptly announced that they were ending their supposedly fairytale marriage and, just weeks later, it emerged that Mr Gore – the famously sanctimonious global-warming disciple – had been accused of trying to force sex on a woman with whom he had booked a therapeutic massage at an Oregon hotel.

'I had no clue that anything was up,' Virginia says. 'The Gores seemed like a beautiful couple when I met them. All I knew was that Mr Gore was a friend of Jeffrey's and Ghislaine's. Jeffrey didn't ask me to give him a massage.

'There might have been a couple of other girls there on that trip but I could never have imagined this guy would do anything wrong. I was planning to vote for him when I turned 18. I thought he was awesome.'

Virginia said that yet another American liberal icon, President Obama's Middle East peace envoy Senator George Mitchell, frequently visited Epstein's New York residence.

Mr Mitchell, aged 77 – who previously led America's Northern Ireland peace initiative – 'was very close to Jeffrey,' Virginia recalled. 'He is very clean-cut. You wouldn't think of him being part of Jeffrey's crew.'

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Amber dazzled in a satin champagne gown

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**Scandal: U.S. authorities want to interview Jeffrey Epstein (left) and may wish to quiz his friend, Prince Andrew**

Epstein's contacts book contains a work and a home telephone number for the senator.

Another acquaintance was Israel defence secretary Ehud Barak, whose spokesman told The Mail on Sunday: 'Mr Barak did attend several small functions in Mr Epstein's home in New York that were usually attended by leading businessman, university presidents, Nobel Prize Laureates and prominent public figures.'

Epstein's many Hollywood pals include Matt Groening, creator of The Simpsons.

'Jeffrey once had me give Matt a foot massage when he was flying on the jet with us,' Virginia says.

'He laughed and did drawings of Bart and Homer for my little brother and my dad.

'I also met Naomi Campbell at a birthday party of hers on a yacht in the South of France. She is a friend of Ghislaine's but she was a real bitch to me.

'She was very fake. She turned away from me when we were introduced by Ghislaine and Jeffrey.

'Donald Trump was also a good friend of Jeffrey's. He didn't partake in sex with any of us but he flirted with me. He'd laugh and tell Jeffrey, "You've got the life."'

Palm Beach Police say Epstein seemed utterly unfazed by the allegations against him when they began their long and detailed investigation.



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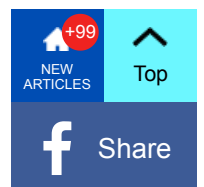
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Chrissy and Luna held hands on the stroll

Duchess of Cornwall has been a 'pillar of support' to Meghan





**'Jeffrey's crew: Middle East peace envoy George Mitchell, right, pictured with President Barack Obama and U.S. Secretary of State Hilary Clinton, frequently visited Epstein's New York residence, Virginia also claims**

But he also took his defence very seriously indeed. Epstein engaged his friend, the Harvard law professor Alan Dershowitz – whose celebrity clients have included Mike Tyson, Patty Hearst, Claus von Bulow and O.J. Simpson – to run his legal defence.

He also employed a firm of private investigators to investigate the backgrounds of the girls.

Detectives painstakingly built a case which they believed showed that Epstein systematically paid teenage girls to recruit other teenage girls to his sex ring.

However, as the investigation continued, they found that Epstein's team had already spoken to key witnesses, suggesting that the financier would reward those who helped him.

In addition, Epstein's defence team agreed to the unusual move of suggesting that the alleged victims sue Epstein in the civil courts. The result was a plea bargain in which Epstein admitted a single charge of soliciting an underage girl for prostitution – a deal which infuriated many police officers who worked on the case.

More than 20 of Epstein's girls are said to have sued him for damages. At least 17 have settled out of court.

Mr Clinton, Mr Gore and Mr Mitchell were all contacted about their friendship with Epstein but declined to comment.

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# **Exhibit G**





**Angel Ureña**  
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## Statement on Jeffrey Epstein.

**"President Clinton knows nothing about the terrible crimes Jeffrey Epstein pleaded guilty to in Florida some years ago, or those with which he has been recently charged in New York. In 2002 and 2003, President Clinton took a total of four trips on Jeffrey Epstein's airplane: one to Europe, one to Asia, and two to Africa, which included stops in connection with the work of the Clinton Foundation. Staff, supporters of the Foundation, and his Secret Service detail traveled on every leg of every trip. He had one meeting with Epstein in his Harlem office in 2002, and around the same time made one brief visit to Epstein's New York apartment with a staff member and his security detail. He's not spoken to Epstein in well over a decade, and has never been to Little St. James Island, Epstein's ranch in New Mexico, or his residence in Florida."**

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# **Exhibit H**

**Even from jail, sex abuser manipulated the system. His victims were kept in the dark**

*BY Julie K. Brown*

NOV. 28, 2018



A decade before #MeToo, a multimillionaire sex offender from Florida got the ultimate break.



*Palm Beach County Courthouse*

*June 30, 2008*

Jeffrey Edward Epstein appeared at his sentencing dressed comfortably in a blue blazer, blue shirt, jeans and gray sneakers. His attorney, Jack Goldberger, was at his side.

At the end of the 68-minute hearing, the 55-year-old silver-haired financier — accused of sexually abusing dozens of underage girls — was fingerprinted and handcuffed, just like any other criminal sentenced in Florida.

But inmate No. W35755 would not be treated like other convicted sex offenders in the state of Florida, which has some of the strictest sex offender laws in the nation.

Ten years before the #MeToo movement raised awareness about the kid-glove handling of powerful men accused of sexual abuse, [Epstein's lenient sentence and his extraordinary treatment](#) while in custody are still the source of consternation for the victims he was accused of molesting when they were minors.

Beginning as far back as 2001, [Epstein lured a steady stream of underage girls to his Palm Beach mansion](#) to engage in nude massages, masturbation, oral sex and intercourse, court and police records show. The girls — mostly from disadvantaged, troubled families — were recruited from middle and high schools around Palm Beach County. Epstein would pay the girls for massages and offer them further money to bring him new girls every time he was at his home in Palm Beach, according to police reports.

The girls, now in their late 20s and early 30s, allege in a series of federal civil lawsuits filed over the past decade that Epstein sexually abused hundreds of girls, not only in Palm Beach, but at his homes in Manhattan, New Mexico and in the Caribbean.

In 2007, the FBI had prepared a 53-page federal indictment charging Epstein with sex crimes that could have put him in federal prison for life. But then-Miami U.S. Attorney [Alexander Acosta signed off on a non-prosecution agreement](#), which was negotiated, signed and sealed so that no one would know the full scope of Epstein's crimes. The indictment was shelved, never to be seen again.

Epstein instead pleaded guilty to lesser charges in state court, and was required to register as a sex offender. He was sentenced to 18 months incarceration.

But Epstein — who had a long list of powerful, politically connected friends — didn't go to state prison like most sex offenders in Florida. Instead, the multimillionaire was assigned to a private wing of the Palm Beach County stockade, where he was able to hire his own security detail. Even then, he didn't spend much time in a cell. He was allowed to go to his downtown West Palm Beach office for work release, up to 12 hours a day, six days a week, records show.

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LOCAL

**Sex abuser Jeffrey Epstein was surrounded by powerful people. Here's a sampling**

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He was permitted to hire his own private psychologist for his required sex-offender counseling, and after his release from jail, his subsequent year of probation under house arrest was filled with trips on his corporate jet to Manhattan and to his home in the U.S. Virgin Islands — all approved by the courts with no objections from the state.

On the morning of his sentencing in 2008, none of Epstein's victims were in the courtroom to protest his soft jail term or the unusual provisions of his incarceration and probation — and that was by design.



Palm Beach multimillionaire Jeffrey Epstein is a free man, despite sexually abusing dozens of underage girls according to police and prosecutors. His victims have never had a voice, until now.

By

Emails and letters contained in court filings reveal the cozy, behind-the-scenes dealings between federal prosecutors and Epstein's indomitable legal team during the run-up to his federal plea deal, as they discussed ways to minimize his criminal charges and avoid informing the girls about the details of the deal until after the case was resolved.

That arrangement benefited Epstein in a number of ways. Unlike other high-profile sex crime cases, federal prosecutors agreed to keep his sentencing quiet, thereby limiting media coverage. His underage victims — identified in FBI documents — weren't told about the plea deal so they weren't in court, where they could voice their objections and possibly sway the judge to give Epstein a harsher sentence or reject the agreement altogether.

Most important, Epstein's crimes would be reduced to felony prostitution charges, giving him the ability to argue that the girls weren't victims at all — they were prostitutes.

Four [accomplices named in Epstein's non-prosecution agreement](#) — Nadia Marcinkova, Sarah Kellen, Adriana Ross and Lesley Groff — were also given immunity from federal prosecution. Marcinkova was a young girl when Epstein brought her from Yugoslavia to live with him. Several victims told police that she was involved in orgies with Epstein and underage girls. Ross, Groff and Kellen, now known by her married name, Vickers, were schedulers who arranged his underage sex sessions, according to the FBI and police.

Marcinkova and Kellen, through their attorneys, declined to comment for this story. The Herald was unsuccessful in reaching Ross and Groff.

Acosta, who is now President Donald Trump's secretary of labor, told lawmakers last year at his confirmation hearing that he did not know that Epstein would receive such liberal treatment while incarcerated. But court records show that federal prosecutors under his authority acquiesced to many of Epstein's demands, including that he not go to federal or state prison.

"I can't remember how I found out that he had taken a plea," said Courtney Wild, identified by the FBI as one of more than three dozen underage girls — some of them as young as 13 — who had been molested by Epstein at his waterfront estate between 2001 and 2005.

"We were purposefully misled into believing that his sentencing [in state court] had nothing to do with the federal crimes he committed against me or the other girls."

Epstein, now 65, was released in 2009 after serving 13 months.

Wild, who was 14 when she met Epstein, is suing the federal government, alleging that prosecutors kept her and other victims in the dark as part of a conspiracy to give Epstein — described in the lawsuit as "a powerful, politically connected multimillionaire" — one of the most lenient deals for a serial child sex offender in history.



Courtney Wild is suing the federal government, claiming that prosecutors deliberately kept her and other victims of Jeffrey Epstein in the dark about the status of his case. The U.S. Attorney's Office signed a non-prosecution agreement with the multimillionaire. Emily Michot [EMICHOT@MIAMIHERALD.COM](mailto:EMICHOT@MIAMIHERALD.COM)

Now 31, Wild is Jane Doe No. 1 in "Jane Doe 1 and Jane Doe 2 vs. the United States," which seeks to overturn Epstein's plea agreement on the grounds that it was executed in violation of the federal Crime Victims' Rights Act. The measure affords crime victims a series of rights, including to confer with prosecutors and to be notified about plea negotiations and sentencing.

That lawsuit — and an unrelated state court case scheduled for trial on Dec. 4 — could expose more about Epstein's crimes, as well as who else was involved and whether there was any undue influence that tainted the federal case.



## Support investigative journalism

The Miami Herald obtained thousands of FBI and court records, lawsuits, and witness depositions, and went to federal court in New York to access sealed documents in the reporting of "Perversion of Justice." The Herald also tracked down more than 60 women who said they were victims, some of whom had never spoken of the abuse before.

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Some of Epstein's victims will finally have an opportunity to testify for the first time as part of the Dec. 4 case in state court in Palm Beach County. It pits Fort Lauderdale attorney Bradley Edwards against Epstein, who had accused Edwards of malfeasance in his representation of several victims.

Jack Scarola, the attorney representing Edwards, said Epstein should be held accountable for his unrelenting attacks against Edwards — as well as others who were involved in his case.

"We are going to demonstrate through this case that no one — no matter how much money they have — can abuse children and then attempt to bully those who come to the defense of children," said Scarola, a former state prosecutor.

### Florida and beyond

Few people had as much insight into Epstein's lifestyle — and its international reach — as Virginia Roberts. By age 16, Roberts had lived a life that was beyond that of most high school girls.

At 11, she says, she was sexually molested by a family friend. At 12, she was smoking pot and skipping school. At 13, she was in and out of foster homes, and at 14, she was on the street.

In Miami, the runaway became a captive of a 65-year-old sex trafficker, Ron Eppinger. For months, she says, she was sexually abused, kept in an apartment and pimped out to pedophiles. After his indictment in 2000 on trafficking charges, Roberts returned to West Palm Beach and tried to heal.





Virginia Roberts, now Giuffre, says she was 16 and working as a locker room attendant at Donald Trump's Mar-a-Lago resort when she was approached by Ghislaine Maxwell, Jeffrey Epstein's associate, about becoming a masseuse for Epstein. *COURTESY OF VIRGINIA ROBERTS*

That summer, when Roberts was 16, she said her father helped her get a job as a locker room attendant at the spa at Donald Trump's Mar-a-Lago resort in Palm Beach, records show. Her father worked at the resort as a maintenance man.

There she said she met Ghislaine Maxwell, an Epstein friend and socialite daughter of the late British publishing magnate Robert Maxwell. She offered Roberts an opportunity to become a massage therapist, working for Epstein.

In a sworn court affidavit and in a recent interview with the Herald, Roberts described how Epstein and Maxwell began grooming her — not just to perform massages, but to sexually pleasure them and others.

"It started with one and it trickled into two and so on," Roberts told the Herald. "And before you know it, I'm being lent out to politicians and academics and royalty."

Roberts, too, was ordered to find Epstein girls — the younger, the better — by trolling areas where teenagers congregated, such as shopping malls, to lure girls to whatever residence Epstein was staying in at the time, she told the Herald.

She began to travel with Epstein and Maxwell to Epstein's other homes, in New York, New Mexico and the U.S. Virgin Islands — and her trips are documented in flight logs that frequently list her name or her initials as a passenger, court records show.

"His appetite was insatiable. He wanted new girls, fresh, young faces every single day — that was just the sickness that he had," Roberts said.

Neither Epstein nor his lead attorney, Goldberger, responded to requests for comment.

Roberts alleges that Epstein had cameras throughout his homes and said he liked her to tell him about the sexual peccadilloes of various important men she had sex with.

"Epstein and Maxwell also got girls for Epstein's friends and acquaintances. Epstein specifically told me that the reason for him doing this was so that they would 'owe him,' they would 'be in his pocket,' and he would 'have something on them,'" Roberts said in a court affidavit. "I understood him to

mean that when someone was in his pocket, they owed him favors.”

Roberts elaborated in her interview with the Herald, saying that Epstein had access to girls through a modeling agency that recruited them from overseas.

Epstein, who was close to Les Wexner, the owner of Victoria’s Secret, often talked about his connections to people in the modeling, fashion and acting industries, Roberts told the Herald.

“He [Epstein] would tell the girls, ‘Hey, I will give you a modeling contract if you go have sex with this man [whichever acquaintance Epstein designated],’ ” she said.

Roberts’ story about the modeling agency is supported, to a degree, by the sworn statement of a Miami woman named Maritza Vasquez, who was later interviewed in New York by an FBI agent from Miami. Vasquez worked as a bookkeeper for Mc2, owned by Epstein associate Jean-Luc Brunel. He employed scouts in South America, Europe and the former Soviet Union to find him models to bring to the United States, Vasquez said in a 2010 sworn court deposition obtained by the Herald.

Vasquez stated in the deposition that from 2003 to 2006 she handled all the finances and payroll for the agency, including a bank transaction involving Epstein. She said Epstein invested \$1 million in Mc2.

The models were often very young — 13, 14 and 15 — and some of them were housed in apartments at 301 E. 66th St. in New York, a building purportedly owned by Epstein, the deposition said.

Epstein didn’t charge the girls rent, Vasquez said, but Brunel charged them \$1,000 a month, with four of them at a time sharing one apartment. The girls who were the youngest and most beautiful stayed at the 66th Street apartments, which were more luxurious than the other apartments that were used to house models who were not as young and desirable, she said.

Vasquez once let one of the models, who was 14, stay overnight with her after the girl ran into trouble with police for trying to get into a Manhattan nightclub. Vasquez also testified that she helped a lawyer obtain visas for the foreign models, and assisted with their transportation to and from modeling assignments and parties.

Vasquez said that even though the agency employed 200 to 300 models, the company didn’t make any money and Brunel was always broke. Brunel would later sue Epstein, alleging that the financier’s sex scandal had caused his business to fail, but the suit was eventually dropped.

Vasquez testified it wasn’t unusual for the agency to send girls to an assignment with a wealthy client for \$100,000 or more, but the girl wouldn’t be paid the full amount — or anything at all — if she refused to be “molested.”

Vasquez considered herself a mother figure and often coached the youngest girls to stick to the 9-to-5 modeling assignments because she didn’t think it was appropriate for them to be having sex.

She said she met Epstein only once, but she often helped arrange for girls — many of them underage — to be sent to his homes in New York, Palm Beach and his island in the Caribbean for parties. She heard salacious rumors about Epstein’s parties, but testified she had no firsthand knowledge about whether they involved sex.

Vasquez said that she was questioned by the FBI and she tried to tell agents where to look for evidence.

Vasquez was eventually let go from the agency after she was accused of stealing money — money she claims was given to her by Brunel. Vasquez said she was placed on probation for the theft. She never heard from the FBI about Epstein again.

The Herald was unsuccessful in reaching Brunel through his former attorney.

In a written statement released in 2015, Brunel denied any involvement in trafficking underage models.

“I strongly deny having participated, neither directly nor indirectly, in the actions Mr. Jeffrey Epstein is being accused of,” he said. “I strongly deny having committed any illicit act or any wrongdoing in the course of my work as a scout or model agencies manager.”

### **Too old at 19**

In 2003, when Roberts turned 19, it was clear that Epstein had lost interest because she was too old for him, she said. She convinced him to pay for her to get training to become a real professional masseuse so that she could move on.

In an interview, she explained that Epstein arranged for her to take a class in Thailand, but it came with a hitch: She said she was instructed to pick up a Thai girl he had arranged to come to the States.



Roberts, who showed the Herald the written instructions for the rendezvous, never picked up the girl because Roberts met a man on the trip who would become her husband. The couple married and moved to Australia, where they currently live.

In 2007 — at the same time the FBI was investigating Epstein — Roberts, pregnant with her second child, said she unexpectedly received phone calls from Maxwell and Epstein. She said they were worried that she had told police about them. She assured them she had not spoken to anyone, she said.

Shortly afterward, Roberts said, she was contacted by someone who claimed to be with the FBI. But she was afraid to tell that person details, fearing it was really an Epstein associate posing as an FBI agent.

That agent, identified in court papers as Timothy Slater, confirmed that he and the other agent on the case, Nesbitt Kuyrkendall, called Roberts in January or February 2007. In a sworn statement, Slater said he informed Roberts that they suspected she was a victim of Epstein's.

The agent said Roberts answered basic questions, but became uncomfortable and "asked that I not bother her again."

Roberts said the agent didn't try too hard to convince her to talk, and she was surprised when he hung up after asking her a few graphic questions about her sex life. She said she was suspicious, but would have cooperated had the FBI talked to her in person and explained why they were asking about Epstein.

"I was still scared to death," Roberts said. "Jeffrey used to tell me that he owned the entire Palm Beach Police Department. I just didn't want my family harmed."

She nevertheless was listed by federal prosecutors as one of Epstein's Palm Beach victims.

As the years went by and Roberts had a daughter, she would be haunted by a fear that Epstein was still taking advantage of young girls. In 2011, she went public in a paid interview with a British tabloid, the Daily Mail, asserting that she had had sex with Prince Andrew, one of Epstein's friends, several times when she was a teen.

In her 2015 affidavit, she discussed in detail some of her alleged sex encounters with the prince and Epstein's other friends, including lawyer Alan Dershowitz. Edwards included the affidavit in the court file as part of the Jane Does' Crime Victims' Rights Act case, at which time it became public.



Virginia Roberts says she was loaned out by Jeffrey Epstein to his friend Prince Andrew, shown here. He denies they had sex. *COURTESY OF VIRGINIA ROBERTS*

In the affidavit, Roberts claimed that Epstein and Maxwell directed her to have sex with Andrew and Dershowitz and others. She had sex with Andrew three times, she alleged — once in London, when she was 17, again in New York, when she was 17, and a third time, as part of an orgy on Epstein's island, when she was 18. By law, at 17, she would have been above the age of consent in New York and England, but not in Florida, where the age of consent is 18.

As part of the affidavit, Roberts furnished a photograph of her with the prince and Maxwell, which she said was taken in London.

Dershowitz, who was part of Epstein's criminal defense team, was often a guest at Epstein's homes, she said.

"I had sexual intercourse with Dershowitz at least six times," Roberts wrote in the 2015 court affidavit. "The first time was when I was about 16, early on in my servitude to Epstein and it continued until I was 19." She detailed some of those alleged trysts, which she said happened at Epstein's homes in Palm Beach, New Mexico and on Epstein's island.

One of Epstein's housemen, Juan Alessi, testified in a 2009 sworn deposition that Dershowitz visited Epstein's Palm Beach home four or five times a year. He said that Roberts was a frequent visitor as well, but he never placed Dershowitz and Roberts at the house at the same time.

Alessi, who testified he worked for Epstein from 1999 to 2002, said there were often young girls who gave massages at the house, even in the middle of the night. But he said he never checked their ages, and only knew one girl for certain who was underage, because he had picked her up from high school. That girl, who is now an actress, was not one of Epstein's masseuses, Alessi said.

He also said he was Maxwell's driver, and he recalls waiting outside of Mar-a-Lago the day Maxwell met Roberts. He testified he saw Maxwell talking to Roberts and recalls Roberts coming to Epstein's mansion later that day. One of Alessi's jobs was to drive Maxwell to various spas in Palm Beach where she left business cards in order to "recruit" more masseuses, he said in the sworn deposition.

Dershowitz, Prince Andrew and Maxwell have long denied Roberts' allegations.

In an interview with the Herald, Dershowitz reiterated that he had never met Roberts, and never saw Epstein with any underage girls.

"The story was 100 percent flatly categorically made-up," he said, adding that Roberts and her attorneys fabricated the assertion in order to get money from other powerful, wealthy people she alleges she had sex with.

"The only possible reason to accuse me in public and [them] in private is so she could get money," Dershowitz said.

Edwards and his co-counsel in the Crime Victims' lawsuit, University of Utah law professor Paul Cassell, sued Dershowitz for defamation and Dershowitz countersued in 2015. The case was settled out of court, with Dershowitz saying he had been vindicated.

Dershowitz said he received a massage at Epstein's Palm Beach home only once — but that it was just a regular, therapeutic massage by a masseuse — not by Roberts or anyone underage. Dershowitz's wife was there at Epstein's house at the time, Dershowitz said in the deposition taken for the case in 2015.

"I never had any knowledge of Jeffrey Epstein having any contact with any underage women — ever," Dershowitz told the Herald.

Edwards and Cassell admitted making a "tactical mistake" in filing the accusations against Dershowitz as part of a lawsuit not involving him. But they emphasized that the settlement had no bearing on the veracity of Roberts' allegations.

The judge for the Crime Victims' Rights Act lawsuit agreed that the affidavit was misplaced in that case, and it was dropped.

Prince Andrew's spokesman at Buckingham Palace did not respond to an email requesting comment.

Roberts, now 35, said it has taken her a long time to stand up to Epstein. She and 20 other victims received settlements from Epstein, ranging from \$50,000 to more than \$1 million. The exact amounts have been kept confidential.

"It takes so long until you are able to speak about it. It took me having a daughter and looking at this young, beautiful innocent baby to say I want to speak out about it now. I'm hoping that this will bring out more girls so that they say, Me Too."

### **The state court hearing**

The judge at Epstein's sentencing hearing at the Palm Beach County Courthouse knew very little about Epstein's crimes. The sentencing paperwork was restricted to Epstein's specific charges: one count of solicitation of prostitution and one count of procuring a person under the age of 18 for prostitution.

“Are there more than one victim?” Circuit Court Judge Deborah Dale Pucillo asked the prosecutor at Epstein’s sentencing on June 30, 2008.

“There’s several,” replied assistant state prosecutor Lanna Belohlavek.

“Are all the victims in both of these cases in agreement with the terms of this plea?” Pucillo later asked.

“Yes,” Belohlavek replied, telling the judge that she had spoken to “several” of Epstein’s victims.

Emails show that federal prosecutors didn’t want the judge to know how many victims and accomplices there were.

Federal prosecutor A. Marie Villafañá — in a September 2007 email to Epstein lawyer Jay Lefkowitz — said: “I will mention co-conspirators but I would prefer not to highlight for the judge all the other crimes and all the other persons that we could charge.”

Attorney Spencer Kuvin happened to be in court that day because he’d heard Epstein was to appear, but Kuvin didn’t know why. He figured he’d use it as an opportunity to serve Epstein with civil court papers involving one of several victims he represented. Instead, he listened to what was happening and couldn’t believe that no one had contacted him or his clients.

“I was shocked to learn that the proceeding involved my client’s case and there was nothing I could do except watch as they disposed of her case without ever telling her,” Kuvin said.

At the hearing, Belohlavek and Epstein’s attorney, Goldberger, were in sync, the court transcript shows. Epstein would be required to register as a sex offender, but his probation would not be served under the strict requirements of sex offender probation.



Jeffrey Epstein is a registered sex offender in New York State and Florida. Emily Michot [EMICHOT@MIAMIHERALD.COM](mailto:EMICHOT@MIAMIHERALD.COM)

The judge didn’t question those provisions, but she did ask why Epstein was going to serve his sentence in the Palm Beach County stockade instead of in a Florida state prison, like most sex offenders.







After he pleaded guilty in state court, Jeffrey Epstein was assigned to a private section of the Palm Beach County stockade. Soon, however, he was allowed to leave the compound six days a week, 12 hours a day, for what was termed work release. Emily Michot [EMICHOT@MIAMIHERALD.COM](mailto:EMICHOT@MIAMIHERALD.COM)

“We just decided that was the best way to accomplish what needed to be done here and the parties agreed that that sentence satisfied everyone’s requirements,” Goldberger replied.

Said Judge Pucillo: “The taxpayers of Palm Beach County are going to pay 18 months to house this guy instead of DOC [the Department of Corrections]?”

Belohlavek: “Right.”

Pucillo did not respond to a request for comment on the case.

Villafañá, the lead federal prosecutor in Epstein’s case, was in the courtroom, but there’s no indication she objected to Epstein’s cozier jail accommodations.

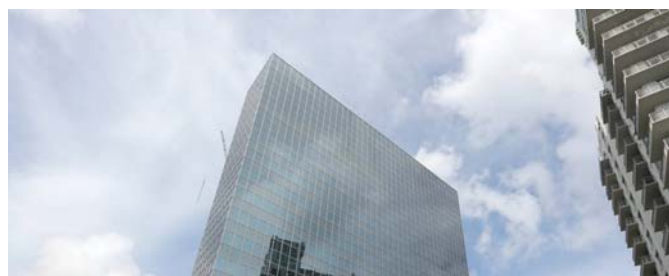
When he entered jail in July 2008, Epstein was arguably the most well-known inmate there. Records also show that Epstein hired Palm Beach sheriff’s deputies for his security details, paying them for the hours they spent monitoring him on work release at his West Palm Beach office, where he often stayed until 10 p.m., jail logs show.

The Herald reviewed their time sheets, showing that the deputies logged visitors coming and going to and from his office throughout the day. A record log of his visitors was kept in a safe, but the log no longer exists, according to a spokeswoman for the Palm Beach County Sheriff’s Office.

One deputy who often worked Epstein’s detail said that his assignment was to stay in a front reception room of Epstein’s office. Epstein was in a separate office — with the door closed — most of the day as he accepted visitors, both male and female, the deputies’ logs show.

“It was not our job to monitor what he was doing in that office,” the deputy, now retired, told the Herald.

In their early reports in July 2008, the deputies referred to Epstein as “inmate” but within a few weeks the language had changed and he was called a “client.” He was occasionally allowed to take a break for lunch by sitting outside in a park, the records show, and they also gave him permission to scout for a new office. While on work release, he was required to wear an ankle bracelet to monitor his whereabouts.



The work release was approved by the Palm Beach County Sheriff's Office, said spokeswoman Therese Barbera.

"Jeffrey Epstein, while in custody, met the criteria for the Work Release Program," Barbera wrote in an email. "There was no factual basis to deny Mr. Epstein the same availability of this program that is offered to other inmates under similar circumstances. Mr. Epstein was closely monitored and there were no problems encountered during his time in the program."

But the sheriff's own work release policy — a copy of which Barbera provided to the Herald — specifically notes that sex offenders aren't eligible for work release.

At first, Barbera questioned whether Epstein was a sex offender at all, noting that he didn't have to register officially until after his release from the jail in 2009. But his court papers clearly listed him as a sex offender. In fact, the papers Epstein signed — obtained by the Herald — included all the laws governing registered sex offenders in Florida.

Barbera refused to explain why Epstein was seemingly allowed to deviate from the agency's policies. She also would not respond to requests for an accounting of the amount of money that Epstein paid the sheriff's office for his private details.

Palm Beach Sheriff Ric Bradshaw, who has been in office since 2004 — and is widely considered to be one of the most powerful people in the county — did not respond to requests for comment.



While officially confined to the Palm Beach County stockade, serving time for his sex offenses, Jeffrey Epstein was allowed to spend half his day at this West Palm Beach office building. It was called work release, although Palm Beach Sheriff's Office rules prohibit work-release status for sexual offenders. Emily Michot  
EMICHOT@MIAMIHERALD.COM



A spokeswoman for Palm Beach County Sheriff Ric Bradshaw declined to say why Jeffrey Epstein was allowed work-release status despite rules prohibiting work release for sex offenders. Taylor Jones *PALM BEACH POST*

Epstein's registration requirements are somewhat confusing, even to those who are responsible for keeping his registration. The Florida Department of Law Enforcement, which keeps the online registry, and the Palm Beach County Sheriff's Office, where Epstein has to register in person twice a year, gave

conflicting explanations over the past six months about who is responsible for ensuring that he is complying with the law.

On Nov. 14, the Herald asked the sheriff's office for a full accounting of Epstein's check-ins for 2018. The record the office supplied two days later showed he registered in January and in July — as required. But PBSO also inexplicably had him registering on Nov. 14 — the very same day that the Herald asked for the records from the sheriff's office.

When asked about this sudden registration, Barbera replied: "The information we provided you was a snapshot from the FDLE website. Perhaps, someone from FDLE can provide a reason for you."

Said FDLE spokeswoman Gretl Plessinger in an email: "The screenshot is not on the public registry. This is information inputted by the local agency when the offender comes into the local sheriff's office to register."

Plessinger said Epstein is not covered by the state's new three-day rule, which requires sex offenders to re-register when they come to stay in Florida for three days or more. His town of Palm Beach home is already on file, as a temporary residence, she said.

So it's not clear why he would have suddenly registered a third time on Nov. 14.

State Sen. Lauren Book, a child sex abuse survivor and vocal advocate for tough sex offender monitoring, called the case an appalling example of how those in the justice system allow wealthy people to skirt the law and bend the rules.

"These prosecutors, and judges and sheriffs who are making these decisions and allowing things to fly — we have to hold these people accountable. They are supposed to uphold the law — regardless of who a person is and how much money they have in the bank or who they had on their airplane."

## Piece by piece

Over the years, Courtney Wild, Virginia Roberts and more than a dozen other women who say they were victims of Epstein have been quietly challenging the traditional legal norms that have failed to punish Epstein and other men in positions of power for sexual abuse.

Epstein has paid millions of dollars in civil compensation that, for the most part, has kept the details about his operation out of the public eye. As a result, much — but not all — of the testimony and evidence collected as part of the vast litigation has been sealed or redacted from public court records.





The girls who were abused by Jeffrey Epstein and the cops who championed their cause remain angry over what they regard as a gross injustice, while Epstein's employees and those who engineered his non-prosecution agreement have prospered.

By

Taking a page from Epstein's legal team, lawyers representing Epstein's victims hired private investigators and former police detectives to dig into Epstein's life. Over the past decade, they've tracked down hundreds of people, including dozens of other potential victims; they've interviewed Epstein's recruiters, bookkeepers, housekeepers, butlers, pilots and drivers. They've traveled around the country and the world, taking statements and sworn depositions, coaxing people to talk who had previously been too reticent to come forward.

In short, they did what criminal prosecutors didn't do.

Some of the information they've learned was given to federal authorities in New York. Edwards said those authorities have shown no interest in opening a new investigation focused on crimes he is alleged to have committed in that state, where he is listed as a level 3 sex offender, the most dangerous category, considered at risk to re-offend, records show. In New York, he has to register every 90 days.



Virginia Roberts holds a photo of herself at age 16, when she says Palm Beach multimillionaire Jeffrey Epstein began abusing her sexually. Emily Michot  
*EMICHOT@MIAMIHERALD.COM*

### **Holding abusers accountable**

In 2015, Roberts sued Maxwell for defamation in New York after Maxwell called her a liar in a news interview. The civil lawsuit was an effort by Roberts not just to clear her name, but an attempt to prove that Epstein and Maxwell operated an international underage sex trafficking operation. The lawsuit was settled out of court in 2017 and nearly all the evidence presented in the case has been sealed.

Roberts' attorney, Sigrid McCawley, claims that Roberts received a sizable settlement, although the amount is confidential.

"She wanted to hold her abusers accountable and we were able to do that by bringing this case ... which we ultimately settled very successfully for her," said McCawley, an associate of noted Bush-Gore recount lawyer David Boies, who has also pursued cases against Epstein in federal court in New York.

Maxwell's lawyer, Laura Menninger, declined to comment, referring the Herald to the court history.

"[Roberts] fabricated a story of abuse at the hands of Ms. Maxwell in exchange for hundreds of thousands of dollars from British tabloids with a motive for selling papers and advertisements and without regard for truth, veracity or substantiation," Menninger noted in a 2016 response filed in the case.

In February, the Miami Herald [filed a federal court motion](#) in the Southern District of New York, seeking access to documents that were sealed in the Maxwell case. The motion, which was not opposed by Roberts, could have cast light on the full scope of Epstein's possible sex trafficking operation, who was involved and whether it was covered up. Maxwell has opposed the Herald's motion, which was denied in August.

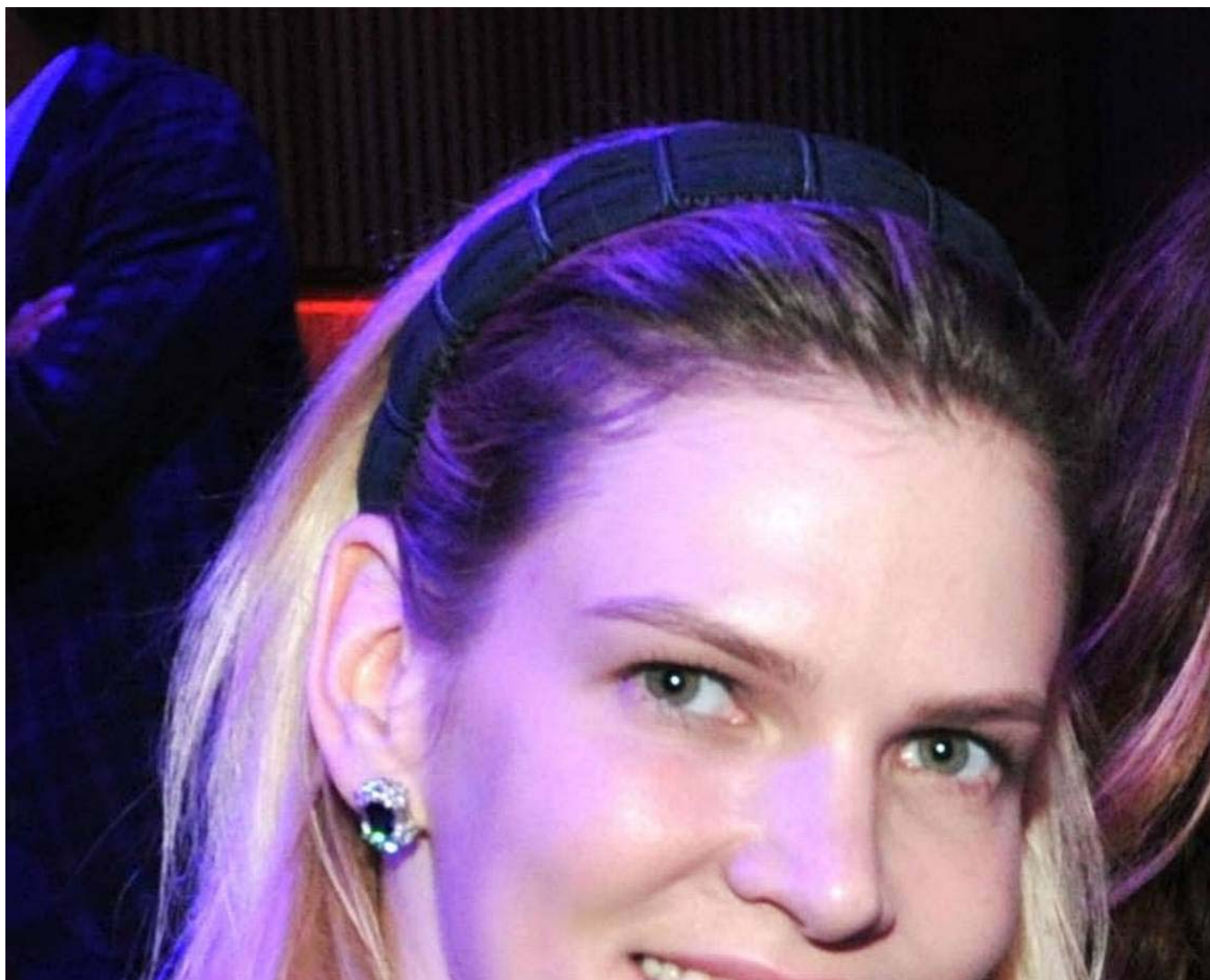
The Herald is appealing.

Today, Epstein has a new private jet, which takes him around the world. Flight records show that he spends most of his time on his private island, Little St. James in the U.S. Virgin Islands, which he now lists as his permanent residence. He is registered in New York and the U.S. Virgin Islands as a sex offender. New Mexico, where he owns a sprawling ranch, does not list him as a convicted sex offender.

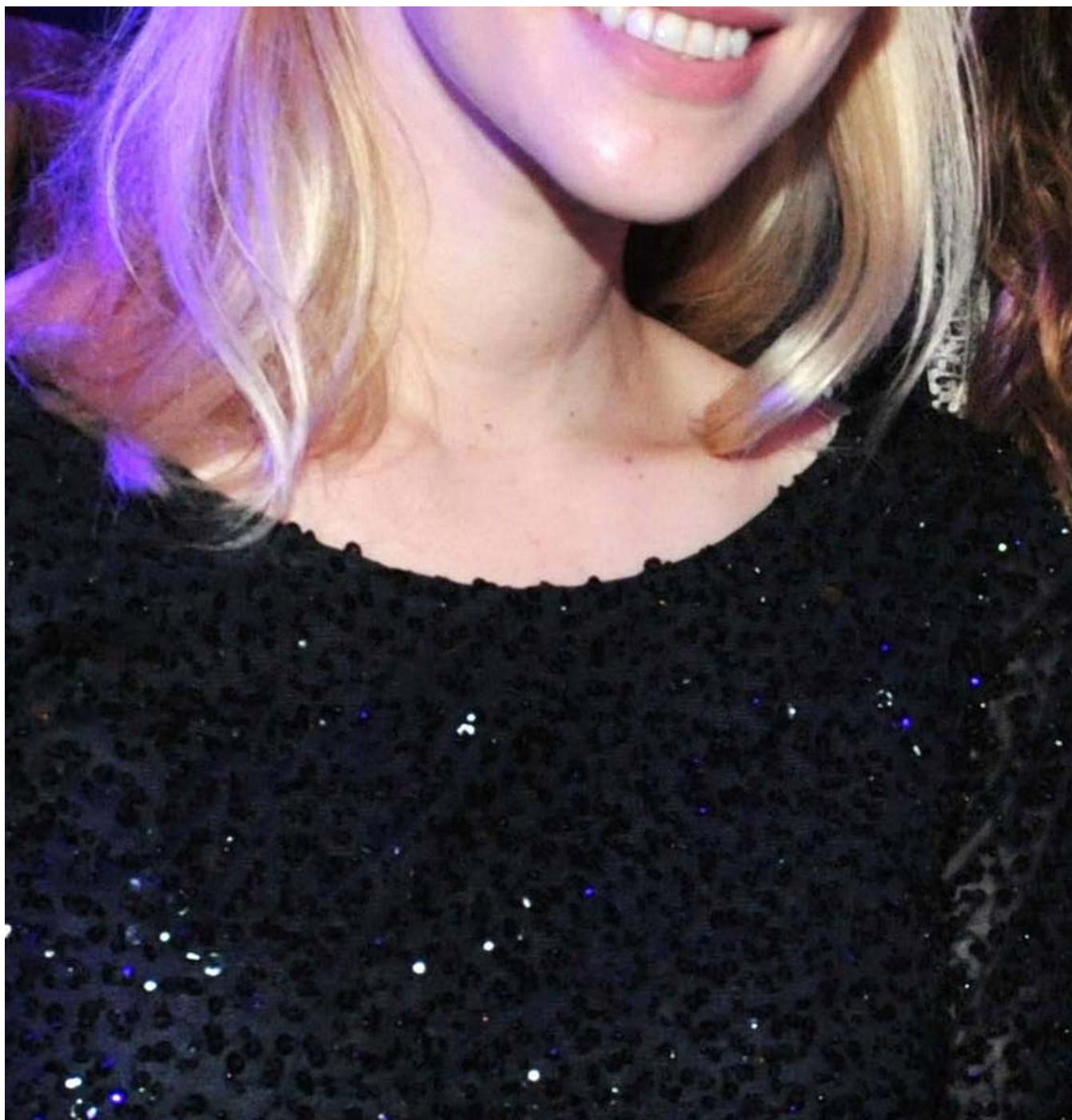
As part of its investigation, the Herald learned that in 2013, the federal government conceded that it had given Epstein what it called "valuable consideration" for information he provided to the FBI as part of his plea deal. The documents do not elaborate, but Epstein — a hedge fund manager who once worked for the investment firm Bear Stearns — was listed as a key investor who lost money in the financial crash of 2008.

Francey Hakes, a former federal child sex crimes prosecutor, said any consideration the government gave to Epstein should be made public.

"The public has a right to know why he got a slap on the wrist, and what was the interest that was so great that allowed him to not get prosecuted?"







Nadia Marcinkova, now a professional pilot, worked for Jeffrey Epstein when he was molesting young women. Victims told police Marcinkova would participate in sex acts, often as Epstein choreographed every move. Jerod Harris

In recent years, Epstein has been traveling the world in his new Gulfstream V jet. He has been active in various charitable causes and scientific research projects. The Jeffrey Epstein VI Foundation, based in the U.S. Virgin Islands, has helped fund [NeuroTV](#), an online network that features interviews with academics and scientists.

#### **Then and now**

Both Nadia Marcinkova and Sarah Kellen changed their names after the scandal.

Marcinkova, 32, briefly became Marcinko. She visited Epstein more than 70 times when he was in Palm Beach custody. She went on to a career in real estate. And she is now an FAA-certified commercial pilot and flight instructor who goes by the name “Global Girl” on social media. ([www.facebook.com/GlobalGirlAviation/](http://www.facebook.com/GlobalGirlAviation/))

Sarah Kellen, who used the name Kensington for a while, is now married to NASCAR driver Brian Vickers. The couple divides their time between homes in North Carolina, New York and Miami Beach.



NASCAR driver Brian Vickers and his wife, Sarah, take part in pre-race ceremonies in Sparta, Ky., on June 28, 2014. She was known as Sarah Kellen when she was an aide to Jeffrey Epstein. According to police, she scheduled visits of underage girls to Epstein's Palm Beach estate for massages that turned sexual. She was not charged with a crime. Will Schneekloth GETTY IMAGES

Maxwell, 56, transformed herself into an internationally known environmentalist. In 2012, she founded the TerraMar Project, a nonprofit environmental group that works to protect the world's oceans. In 2013, she gave a TED Talk on ocean conservation, discussing her diving expeditions around the world.

Dershowitz, 80, continues to lecture around the country. A professor emeritus at Harvard Law School, Dershowitz has been a frequent commenter on cable TV programs, often defending President Trump.

Prince Andrew, the Duke of York, 58, remained friends with Epstein, and in 2010, a photograph was taken of the two of them strolling in Manhattan. It was later revealed that Epstein had loaned the prince's ex-wife, Sarah Ferguson, \$24,000 to pay off some debts. Ferguson later called the loan a "gigantic error of judgment."

#### Plain human beings

Crime victims' rights advocates have used the Epstein case to strengthen the federal law in recent years, adding more precise language mandating that prosecutors notify victims about plea bargains and allow victims to be heard at sentencing.

Because some statute-of-limitation laws set deadlines for filing civil and criminal sex crime cases, it's difficult to bring them years later, said Marci Hamilton, a University of Pennsylvania professor who is working to ease



those restrictions across the country.

Ghislaine Maxwell, daughter of a British press magnate and Jeffrey Epstein's close associate when he was inviting underage girls into his bedroom, leads a TED Talk on environmental issues.

But she points out that there has been no statute of limitations for federal sex crimes involving children since 2002.

Children who are sexually abused often take decades to reveal what happened to them, in part because their brains aren't wired at a young age to understand the trauma they've experienced, said Kenneth V. Lanning, a retired FBI agent who investigated and studied child sex crimes for 40 years.

"We want to hold children to some superhuman standard because they behave this way. In reality, police, prosecutors and judges have to understand that children are not all angels from heaven. They are just plain human beings who are emotionally immature so we have to protect them from their own decisions."

Wild, who continues to fight her federal case on behalf of all of Epstein's victims, said she hopes that the federal judge hearing the Crime Victims' Rights case will make a ruling soon, one that will send a message to prosecutors who fail to consider the rights of crime victims.

"Really if you think about this too hard, it's scary because this is our government that is supposed to protect us but has done everything to protect a pedophile," she said.

## Support investigative journalism

The Miami Herald obtained thousands of FBI and court records, lawsuits, and witness depositions, and went to federal court in New York to access sealed documents in the reporting of "Perversion of Justice." The Herald also tracked down more than 60 women who said they were victims, some of whom had never spoken of the abuse before.

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# **Exhibit I**



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Palm Beach sex offender's remarkable

Jeffrey Epstein has been a free man, despite sexually abusing dozens of underage girls according to police and prosecutors. His victims have never had a voice, until now.

BY JULIE K. BROWN

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Victims of Jeffrey Epstein's sexual abuse voice their



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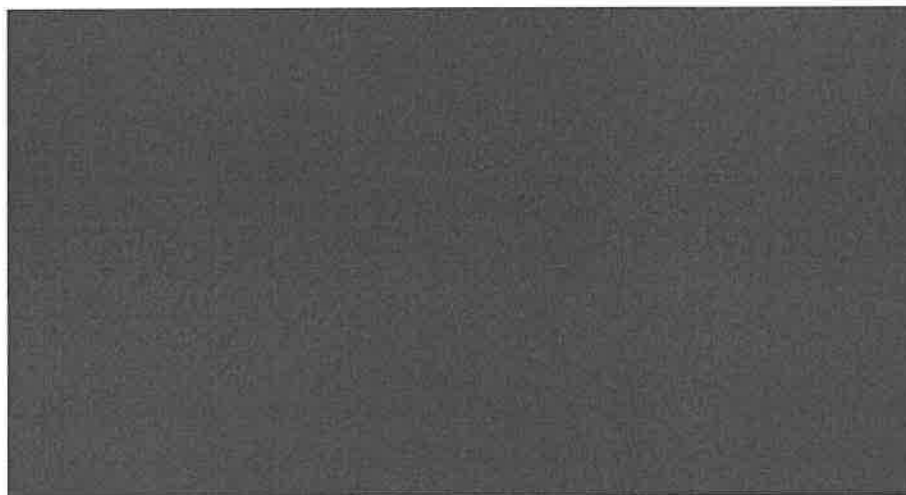
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NATION &amp; WORLD

## New Jeffrey Epstein accuser goes public; defamation lawsuit targets Dershowitz

BY JULIE K. BROWN

APRIL 16, 2019 04:23 PM, UPDATED APRIL 16, 2019 06:18 PM



Palm Beach multimillionaire Jeffrey Epstein has been a free man, despite sexually abusing dozens of underage girls according to police and prosecutors. His victims have never had a voice, until now.

BY EMILY MICHOT | JULIE K. BROWN

A new victim has gone public in the [Jeffrey Epstein case](#), filing a sworn affidavit in federal court in New York Tuesday, saying that she was sexually assaulted and her then-15-year-old sister molested by Epstein and his companion, Ghislaine Maxwell, in 1996.

Maria Farmer, then 26, claims that she was employed by Epstein, a multimillionaire financier who lived in a vast mansion on New York's Upper East Side, and that she frequently saw "school-age

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Miami Beach cops investigating after report of a gunshot near a temple and school



Maria Farmer

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"To my knowledge, I was the first person to report Maxwell and Epstein to the FBI. It took a significant amount of bravery for me to make that call because I knew how incredibly powerful and influential both Epstein and Maxwell were, particularly in the art community," she wrote.

Farmer's affidavit is one of 15 exhibits attached to a [defamation complaint filed in federal court](#) in the Southern District of New York by Virginia Roberts Giuffre, one of Epstein's victims, against Alan Dershowitz, one of Epstein's most vocal and powerful attorneys.

Giuffre claims in the lawsuit, as she has in past court filings, that Dershowitz, 80, knew about and participated in a sex-trafficking operation involving underage girls and run by Epstein and Maxwell, and that she was forced to have sex with [Dershowitz and other prominent, wealthy men](#) when she was underage.

Dershowitz has railed against the allegations for years, maintaining that he has never met Giuffre. He also says he has documents and other evidence that prove she is lying.

[Complaint by Anonymous QSO42TA:BF](#) on Scribd

Case 1:19-cv-03377 Document 1 Filed 04/16/19 Page 1 of 28

**United States District Court  
Southern District of New York**

VIRGINIA L. GIUFFRE,

Plaintiff,

CASE NO:

vs.

ALAN DERSHOWITZ,

Defendant.

**COMPLAINT**

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1 of 28



Farmer's affidavit and other documents attached to the lawsuit are meant to bolster Giuffre's case that Dershowitz has maliciously spread false information on behalf of Epstein in order to intimidate and silence her and other victims, according to the lawsuit.

"No sensible person looks forward to litigation," Giuffre said in a statement. "And I know that standing up for myself and others will cause Mr. Dershowitz and Mr. Epstein to redouble their efforts to destroy me and my reputation. But I can no longer sit by and not respond. As my complaint shows, my abusers have sought to conceal their guilt behind a curtain of lies. My complaint calls for the accounting to which I, and their other victims, are entitled."

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Ghislaine Maxwell was sued for slander after calling Virginia Roberts Giuffre, one of Jeffrey Epstein's accusers, a liar. Maxwell, a close associate of Epstein, sought to have documents from the court case remain sealed.

Dershowitz said he welcomed the opportunity to finally prove in court that Giuffre is lying.

"Virtually everything in the complaint is false, and I will be able to disprove all of this in a court of law. I have told the truth throughout and I'll be able to prove it. ... I never met her, I never heard of her," Dershowitz said.

In recent months, Dershowitz has waged a public relations war against Giuffre, her lawyers and the Miami Herald, which published a series of articles about Epstein in November. The series, "Perversion of Justice," focused on how the former U.S. attorney in Miami, now Labor Secretary Alexander Acosta, brokered a non-prosecution deal giving Epstein federal immunity, despite overwhelming evidence that he had sexually assaulted dozens of girls. The series mentioned Dershowitz, who represented Epstein during the negotiations, including Giuffre's sex abuse allegations against the Harvard lawyer.



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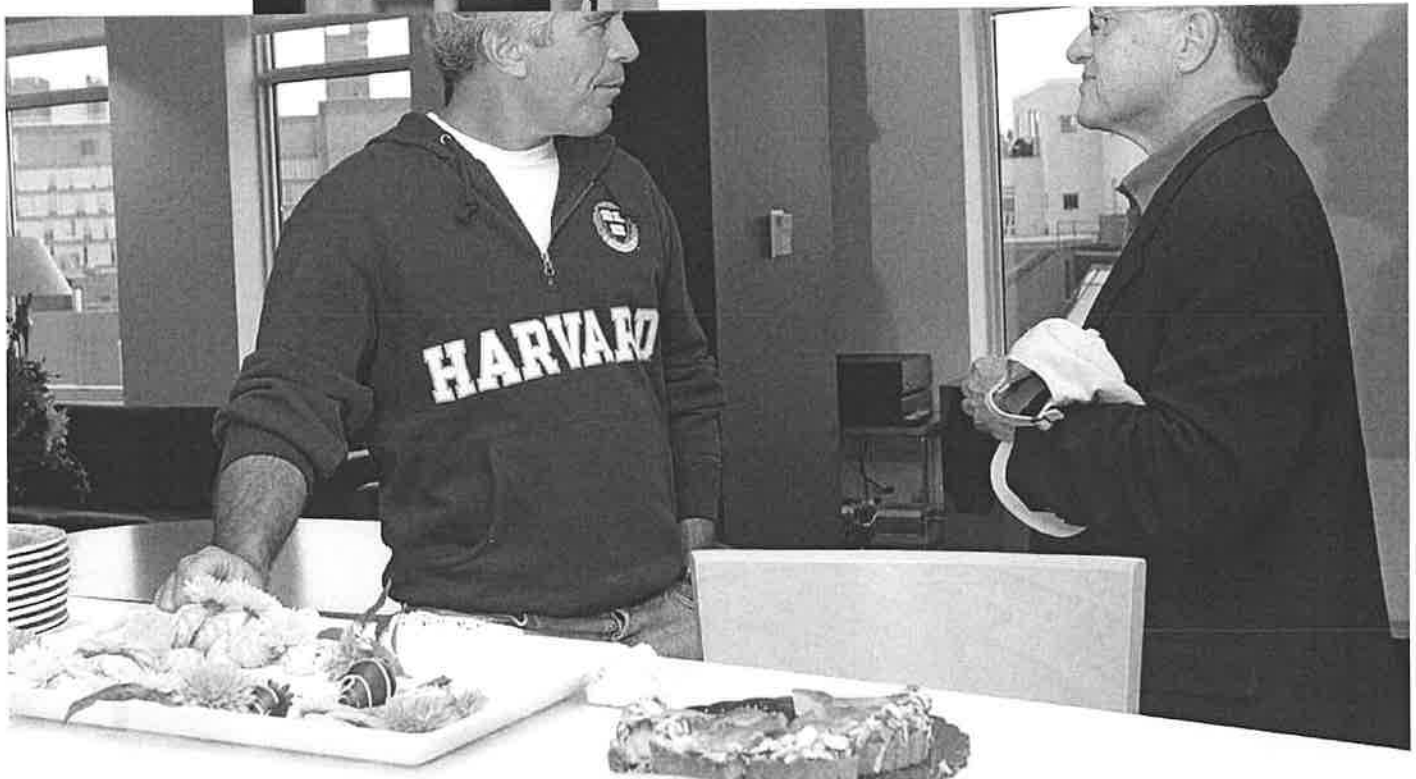
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Once a friend of presidents, the ultra-rich and the elite of Wall Street's bankers — plus a major benefactor to Harvard University — Jeffrey Epstein handled portfolios estimated to be worth over \$15 billion. Then he became ensnared in a scandal involving the sexual abuse of underage girls. He is seen here, pre-scandal, at left, in conversation with Alan Dershowitz, one of America's best-known legal experts and a Harvard Law professor emeritus, at a Cambridge event. Dershowitz became a key member of Epstein's legal team. Rick Friedman CORBIS VIA GETTY IMAGES

Giuffre's lawsuit does not provide evidence of Giuffre having sex with Dershowitz, or provide dates when the abuse allegedly happened. But it does provide a chapter-and-verse history of Dershowitz's public statements and attempts to take each statement he's made and discredit them.

For example, Dershowitz has said that he has never seen any underage girls when he visited Epstein at the financier's various homes in Palm Beach, New Mexico and New York. But Farmer, who now lives in Kentucky, claims that one of her duties working for Epstein was to staff the front door to his New York estate and to keep track of visitors.

"On a number of occasions I witnessed Dershowitz at the NY mansion going upstairs at the same time there were young girls under the age of 18 who were present upstairs in the house," she said in the affidavit, asserting that Dershowitz was so comfortable he would walk into the mansion and go directly upstairs.

Dershowitz said that would have been impossible because he did not meet Epstein until August 1996 on Martha's Vineyard.

"I was never upstairs in Jeffrey Epstein's apartment, never ever," Dershowitz said. "This is typical of the complaints in this case by the [David] Boies firm, very sloppy. I would not have felt

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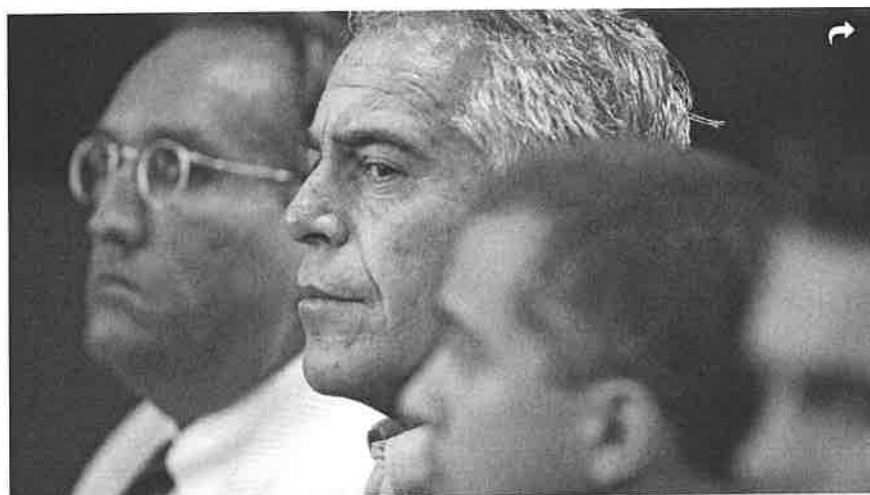
Another woman, Sarah Ransome, also submitted an affidavit with the lawsuit with new details about sex she claims she had with Dershowitz.

Ransome says that she was introduced to Epstein when she was 22 years old and living in New York. She claims that she spent time at Epstein's mansion and was "lent out" by him to his friends for sex. Among those friends was Dershowitz, she said in the affidavit. She alleges she had a three-way sexual encounter with Dershowitz and Nadia Marcinkova, a young adult who also worked for Epstein.

"I recall specific, key details of his person and the sex acts and can describe them in the event it becomes necessary to do so," Ransome said in the affidavit.

Dershowitz has publicly denounced both Giuffre's and Ransome's accusations, saying he has been able to "disprove" them." It's not clear, however, whom he has provided proof to, except to Louis J. Freeh, a former FBI director who released a statement in 2016 saying that he had conducted an independent review of Dershowitz's information and concluded the Harvard law professor's evidence contradicted Giuffre's, and there was no evidence to support her allegations. Giuffre was never interviewed by the Freeh investigators, according to her lawyers.

Dershowitz allowed the Herald to review some of the documents that he says he has, but he has not released them for the Herald to substantiate the information that he gathered, including his personal calendars, which he claims prove he could not have been in the same locations as Giuffre when she was with Epstein, from 1999 to 2002. Following the online publication of this article, Dershowitz said he would provide those documents to the Herald, after redacting his clients' private information.



The girls who were abused by Jeffrey Epstein and the cops who championed their cause remain angry over what they regard as a gross injustice, while Epstein's employees and those who engineered his non-prosecution agreement have prospered. by MARTA OLIVER CRAVIOTTO | EMILY MICHOT | JULIE K. BROWN

In recent months, Dershowitz has stepped up allegations that Giuffre's accusations against him are part of an extortion plot to blackmail an Ohio billionaire. The billionaire is identified in the lawsuit as Les Wexner, the CEO of the Limited Brands, which includes Victoria's Secret, who was Epstein's top financial client.

Dershowitz alleges that Giuffre and David Boies, a prominent New York attorney known for representing Al Gore in the Supreme Court case that decided the presidency in 2000, falsely

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Boies partners Joshua Schiller and Sigrid McCawley filed the lawsuit on behalf of Giuffre, who lives in Australia.

Efforts to reach Epstein, Wexner and Maxwell for comment were not immediately successful.

Wexner also figures into Farmer's story. In her affidavit, Farmer claims that during the time she was employed by Epstein, the financier arranged for her to work on an art project at Wexner's Ohio mansion in the summer of 1996. She stayed at Wexner's \$47 million 30-room estate for a time, working on the project, while babysitting her two younger brothers, who were also staying with her at Wexner's mansion, she said.

One day, Epstein and Maxwell visited and escorted her into a bedroom and then proceeded to sexually assault her, she wrote. She said she fled the room and called the local sheriff's office, but did not get a response. When she tried to leave the property, she said Wexner's security staff refused to let her go.



Virginia Roberts was working at Mar-a-Lago when she was recruited to be a masseuse to Palm Beach hedge fund manager Jeffrey Epstein. She was lured into a life of depravity and sexual abuse.

BY EMILY MICHOT | JULIE K. BROWN

"I was held against my will for 12 hours until I was ultimately allowed to leave with my father," she said in the affidavit.

During this same time period, she said Epstein took her and her younger sister, then 15, to a movie in New York, where he allegedly rubbed her younger sister in a sexual manner. He then flew the 15-year-old to his ranch in New Mexico, promising her mother that he would help with her education, Farmer said.

Instead, Epstein and Maxwell directed her sister to take off all her clothes and get on a massage table, where they touched her inappropriately, Farmer said. Epstein subsequently flew the sister to Thailand to study, and Farmer did not learn until later what happened to her at the ranch.

Afterward, she said Epstein and Maxwell called her multiple times, threatening her. "Maxwell and Epstein contacted my art clients and individuals in the art community in an effort to ruin my art career," she said, adding that they were successful in shutting down any art-related opportunities.

Journalist Vicky Ward interviewed Farmer, her sister and their mother in 2002 for *Vanity Fair*, but the interviews were stricken from the piece before publication. In a 2015 piece Ward wrote for the

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against me and my hope is that they will be held accountable for their crimes. While I am still afraid, I am coming forward because I think it is so important to do so," she said.

The affidavit does not say what her sister was studying in Thailand, but Giuffre was also flown by Epstein to Thailand in 2002 to study massage therapy. It was then that Giuffre met her future husband and fled with him to Australia.



Sen. Ben Sasse questioned attorney general nominee William Barr about the Jeffrey Epstein case on January 15, 2019, getting the nominee to commit to having the Department of Justice look into the handling of that case if confirmed. BY C-SPAN

The lawsuit says that Giuffre first told others about sex with Dershowitz at the time it allegedly happened, and in 2009, although the suit doesn't identify the individuals she told. In 2011, Giuffre was represented by lawyers Bradley Edwards and Paul Cassell, who wrote Dershowitz to inform him that witnesses had placed him at various locations with Epstein while Epstein was with minors who were subsequently identified as victims of sexual assault, the suit says.

The lawyers were concerned in part because Dershowitz had been a prominent lawyer for Epstein who had assailed some of Epstein's victims in 2006 in an attempt to impugn their credibility. Also, they found it curious that Epstein's deal included a blanket immunity for co-conspirators of his operation who were not named.

The lawsuit claims that Dershowitz masterminded the deal in order to give himself immunity, an allegation that Dershowitz expressly denies.

Giuffre's sexual allegations against Dershowitz became public in 2014 as part of a court filing by Edwards and Cassell. Dershowitz publicly called for the disbarment of the two lawyers, leading them to file a defamation suit against Dershowitz which was subsequently settled, with Dershowitz paying the two lawyers a substantial amount of money, the suit says. Dershowitz falsely claimed that he was exonerated, when in fact, the settlement was reached in Edwards' and Cassell's favor, according to the new lawsuit.

Additionally, Dershowitz tried and failed to get Giuffre to issue a statement that she had been mistaken, the lawsuit asserts.

In December 2015, Dershowitz wrote an email to Boies, who began representing Giuffre in 2015. A copy of the email, attached to the lawsuit, shows that Dershowitz suggested that Giuffre submit a statement saying that she had possibly erred when she identified Dershowitz.



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The recordings are difficult to decipher, with static that seems to blur the context of some of the conversations. But a transcript supplied by Dershowitz appears to show Boies conceding that Giuffre was mistaken in identifying Dershowitz. Boies says Dershowitz taped him without his permission and that he took his comments out of context.

"He conflated the conversations, and they are not in the order that they happened," Boies said, stating that he was merely assuring Dershowitz that, if they found evidence that Giuffre's recollections were mistaken, they would have come to an agreement to issue the statement he wanted.

Ultimately, Boies said, they found her to be truthful, and she passed a lie detector test.

"Dershowitz ... played and described excerpts from those tapes out of context to reporters to try to make it appear that Ms. Roberts' lawyer's hypothetical comments, and characterizations of Dershowitz's assertions, represented that lawyer's conclusions," the suit says.

To further rebut Dershowitz's recordings, a sworn affidavit is included from another attorney who said that he was present when Dershowitz misconstrued what Boies was saying. One of the suggestions that Dershowitz proffered was that Giuffre had confused the Harvard professor with another academic — Dershowitz names him — claiming that the professor looked like him. Giuffre, however, was shown a photo of that other professor and was adamant that she had not confused him with Dershowitz, the lawsuit says.

"Mr. Dershowitz expressed to me that he believed he was making progress in convincing Mr. Boies that [Giuffre] was mistaken in identifying Mr. Dershowitz with someone with whom she had sex. I told Mr. Dershowitz that I thought he was overly optimistic and reading things into what Mr. Boies was saying and hearing what he wanted to hear," wrote the lawyer, David S. Stone, a senior managing partner of Boies' firm who previously worked with Dershowitz on the Claus von Bulow attempted murder case, involving a socialite accused of giving his wife an overdose of insulin.

The suit also said Sarah Ransome had accused Epstein and Maxwell of trafficking her for sex to Dershowitz and others, and that Dershowitz also tried to discredit Ransome similarly to how he had Giuffre.

"After Dershowitz's claimed proof of evidence collapsed, and the evidence of his guilt grew, Roberts' lawyers told Dershowitz in writing that they 'had discovered evidence inconsistent with some of [your] representations,' noting that some of his travel records were incomplete, and therefore were not adequate to show he could not have been in the same place as Giuffre during the time she was working for Epstein, the lawsuit said.

Giuffre claims that Dershowitz is still working on behalf of Epstein, who is using Dershowitz to intimidate victims to deter them from coming forward, fearing a new federal investigation, the suit says.

In February, a federal judge ruled that the non-prosecution agreement Epstein received was illegally brokered by Acosta and other prosecutors in violation of the Crime Victims' Rights Act. As a result, the deal is being reviewed by the Justice Department, which has also opened a probe into Acosta's handling of the Epstein case.

Under a broader deal, Epstein pleaded guilty to two prostitution charges in state court and was sentenced to 18 months in the county jail. He served 13 months, but spent most of his sentence in work release, which allowed him to leave the Palm Beach jail for up to 12 hours a day, six days a week, to go to his office in West Palm Beach.

# **Exhibit J**

THE  
NEW YORKER

## ALAN DERSHOWITZ, DEVIL'S ADVOCATE

*The noted lawyer's long, controversial career—and the accusations against him.*By **Connie Bruck** July 29, 2019

0:00 / 1:39:17

**Audio:** Listen to this article. To hear more, download Audm for iPhone or Android.

“**A** lie is a lie is a lie,” Whoopi Goldberg said. It was May 2nd, and she was on the set of “The View,” the daytime talk show that she co-hosts. The subject was Attorney General William Barr, who had argued that the special counsel Robert Mueller’s report was not as alarming as it seemed—endorsing Donald Trump’s claim that there had been “no collusion, no obstruction” in the Russia case. Goldberg was incredulous. “Our parents taught us, if you lie, there are consequences,” she said. “When are consequences coming back?”

Her guest, the attorney Alan Dershowitz, offered an answer that combined legal analysis and political handicapping. “They come back in November of 2020, when we all go to the polls and we vote against people that we think lied,” he said. “But it would be a terrible thing”—he held up a finger for emphasis—“to *criminalize* lies.”

Dershowitz is a frequent guest on shows like “The View”; for decades, he has been a frequent guest just about everywhere. If you are a television producer putting together a segment about a celebrated criminal case, Dershowitz is an ideal booking. Intellectually nimble and supremely confident, he is an emeritus professor at Harvard Law School but also an occasional reader (and subject) of the tabloids. Over the years, he has written thousands of newspaper articles, magazine columns, and Web posts. With help from research assistants, he has published three dozen books—including “The Best Defense,” “Chutzpah,” and “Sexual McCarthyism”—that recount his cases and advance his opinions.

In recent years, as Dershowitz approached the age of eighty, his public presence faded a bit. But Trump's Presidency has enabled a comeback. Dershowitz, a proponent of civil liberties, has made a specialty of defending people who do outrageous things, and Trump does outrageous things constantly. Media outlets looking for someone to argue Trump's side have been happy to have Dershowitz on the air, explaining why the President's critics are putting politics before the law. In May, an edition of the Mueller report, with an introduction by Dershowitz, made the *Times* best-seller list.

On "The View," Goldberg promised the audience that she'd hand out copies of the book after the taping. But she remained skeptical of Dershowitz's defense of Barr. He offered an explanation: lying to Congress or to the F.B.I. was illegal, but misleading the public was not. "The rule of law requires that we distinguish between sins and crimes," he said. "There's no federal crime that says that it's illegal to lie to the media."

After a commercial, the next segment began, with images of several controversial Dershowitz clients: Claus von Bülow, O. J. Simpson, Mike Tyson. The lineup included Jeffrey Epstein, a wealthy money manager who had been accused of sexually abusing underage girls. Starting in 2005, investigators had traced a sex-trafficking operation that extended from mansions in New York and Palm Beach to a Caribbean island, Little St. James, that Epstein owned. As charges became public, press accounts enumerated his famous acquaintances—including Bill Clinton, Prince Andrew, and Kevin Spacey—and described trips to the island on his plane, the so-called Lolita Express. Despite sworn accounts from more than a dozen women, Dershowitz and his team secured a deal in which Epstein pleaded guilty to minor charges and served only a brief sentence. On "The View," which was hosted by four women, Dershowitz described the experience as fraught: "It's a case that was very, very difficult, and very, very painful for me, because I saw real victims out there. I'm a very strong supporter of the MeToo movement." But, he said, an attorney is obligated to defend the rights of the accused: "I think of myself like a doctor or a priest. If they wheel Jeffrey Epstein into the emergency ward, the doctor is going to take care of him." (Dershowitz put it differently to me, in one of a series of conversations this spring and summer: "Every honest criminal lawyer will tell you that he defends the guilty *and* the innocent.")

One of the hosts, Abby Huntsman, pointed out, "It does get more complicated for you in your personal life." In 2014, Virginia Roberts Giuffre, one of Epstein's victims, stated in a court filing that Epstein lent her out for sex to his friends—Dershowitz among



them. Dershowitz has strenuously denied the allegations, and maintained that Giuffre is a near-pathological liar engineering an extortion plot. Giuffre's claims about him have never been directly tested in court; instead, they have featured as side arguments in civil suits brought by others. Two weeks before the taping, though, Giuffre had sued Dershowitz directly, for defamation.

On the air, Dershowitz said that he welcomed Giuffre's lawsuit. "I also welcome her coming on this show and accusing me face to face," he said. "I have been falsely accused," he went on, more intently. "So I am *welcoming* this trial." He rubbed his hands together. "This is the first opportunity I have to conclusively prove my innocence."

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VIDEO FROM THE NEW YORKER

Throwing Shade Through Crosswords

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Huntsman read a statement from Giuffre: "My abusers have sought to conceal their guilt behind a curtain of lies. My complaint calls for the accounting to which I, and the other victims, are entitled."

"She's right. She's entitled to an accounting," Dershowitz said. "I have—"

"Alan," Goldberg said. The segment was running out of time.

“—invited the F.B.I. to the trial—”

“Alan, you gotta stop.”

“—so that—”

“Alan! You want me to give the book away? We’ve gotta give the book away.”

Dershowitz recovered his composure and smiled for the camera. Before the show cut to commercial, he got in a last word: “My reputation is more important than my book.”

For decades, while Dershowitz was teaching at Harvard Law School and practicing as a criminal-defense lawyer, he collected notes from his critics and posted the most vitriolic ones on his office door: “You are a demon of evil”; “You are the best argument for abortion one could present.” The notes signalled to students that the law was an arena of principled, if gleeful, combat—a message reinforced by Dershowitz’s habitual manner of genial belligerence. When he was attacked, not just by note writers but also by colleagues in the bar and by an occasional judge, it only confirmed the efficacy of what Dershowitz has called his “confrontational legal style.” He specializes in appellate law, working to overturn convictions on appeal, a branch of law that often requires dismantling the strategy and the arguments of other lawyers. Laurence Tribe, a constitutional-law expert and a longtime associate of Dershowitz’s at Harvard, told me, “He revels in taking positions that ultimately are not just controversial but pretty close to indefensible.”

Dershowitz describes his early life as an ideal preparation for conflict. He grew up in an Orthodox Jewish household in Borough Park, Brooklyn, and has written that he often got into fights with Italian kids in the neighborhood, “though I don’t recall getting anything worse than a few deep cuts, several broken teeth, and one concussion.” (His mother, Claire Dershowitz, disputed this account, telling the *Washington Post*, “The only time his tooth was knocked out was when he played tennis.”) At yeshiva, he had a reputation as a wise guy, and his principal recommended that he become “something where you use your mouth but don’t need much brains.” His fellow-students, drafting the yearbook, wrote that he had a “mouth of Webster and a head of Clay.”

At Brooklyn College, he began to apply himself, and he excelled. In 1959, he was admitted to Yale Law School. Before moving to New Haven, he married Sue Barlach, a

young woman from Bayonne, New Jersey, whom he had met during high school, at a Jewish summer camp in the Catskills. She was nineteen when they arrived in New Haven, and within two years they had a son. Sue's younger sister, Marilyn, dated Dershowitz's younger brother, Nathan, and they often came to New Haven to visit. In 1963, Sue and Alan's second son was born.

Dershowitz felt like an outsider at law school. He has written that, when he gave his first presentation, his "accent was openly laughed at," as was his "non-preppy garb, which included Bermuda shorts with a Phi Beta Kappa key ostentatiously dangling from a pocket." He kept kosher, which meant that he couldn't eat in the common dining room, and he didn't drive or work on the Sabbath. When he was being considered for the position of editor-in-chief of the *Yale Law Journal*, classmates asked if his religious observance would interfere with editorial responsibilities. He got the post anyway.

During his second year, he applied to some thirty Wall Street law firms for a summer job and was rejected by all of them—notably by Cravath, Swaine & Moore, where he badly wanted to work. (In 1976, he represented an Italian-American lawyer who was suing the firm for religious and ethnic discrimination.) Still, he made an impression at Yale. Dershowitz graduated at the top of his class and went on to serve as a clerk for two esteemed liberal judges: David Bazelon, of the U.S. Court of Appeals for the D.C. Circuit, and Arthur Goldberg, the Supreme Court Justice. In 1964, Dershowitz was hired as an assistant professor at Harvard Law School, and at twenty-eight became a full professor. Stuart Eizenstat, a student of his who later became a policy adviser to President Jimmy Carter, told me, "He was the most exciting, most engaging professor I had at Harvard Law School."

Dershowitz established himself as a civil libertarian, with a particular interest in the rights of the mentally ill. An impassioned First Amendment advocate, he defended neo-Nazi speech and pornography, starting with "I Am Curious (Yellow)," an earnestly smutty Swedish film released in 1967. He joined the national board of the American Civil Liberties Union, and represented many litigants pro bono in cases involving challenges to censorship and to the death penalty.

Nancy Gertner, a former federal judge who worked with Dershowitz in the late seventies and now teaches at Harvard Law School, told me, "He's very brilliant, just in the sense of the speed at which his mind works, and how prolific he is in churning out thoughts."

From the beginning of his career, Gertner said, “he had the imagination to see strategies and arguments other people don’t.” He also understood, before most of his peers did, the value of deploying the media. As he wrote in his 2013 memoir, “Taking the Stand,” “If you don’t have the law or legal facts on your side, argue your case in the court of public opinion.” Dershowitz seemed to delight in publicity, even though he told friends that “the aggressive and fast-talking know-it-all” who appeared on TV wasn’t really him. Some members of the law-school faculty were nonplussed by his media presence, his self-promotion, and his decision to take on cases while teaching. But Dershowitz heeded advice that he said Judge Bazelon had given him: “Don’t follow in anyone’s footsteps. Your feet are too big to fit anyone else’s print. Create your own life.” Dershowitz once wrote, “It was scary, but it fit my personality to a T.”

**I**n December, 1971, while Dershowitz was on sabbatical in Palo Alto, his ten-year-old son, Elon, was diagnosed as having a brain tumor. Dershowitz, distraught, became fixated on finding a cure. “I couldn’t concentrate on my book,” he wrote, in “Taking the Stand.” “My marriage, which had been suffering for several years even before our trip to California, was now in deep trouble.” After surgery, Elon eventually recovered, but the marriage did not. When the family returned to Cambridge, Dershowitz immersed himself in a case in New York, in which he successfully defended a member of the militant Jewish Defense League against a murder charge in the bombing of two office buildings. Dershowitz’s collaborators were Harvey Silverglate, a former student of his, who had a small firm in Boston, and Jeanne Baker, a law-school student who was a research assistant there. “Working together with these two extraordinary young lawyers,” he wrote, “made it clear to me how unhappy I was in my marriage.”

In 1973, he and Sue separated, after fourteen years of marriage, and she soon filed for divorce. The case went to court in early 1976, and the proceedings were acrimonious. In Judge Haskell Freedman’s lengthy findings of fact, he wrote that Dershowitz’s behavior toward Sue “negatively affected the plaintiff’s health to the extent that she required medical treatment and briefly some psychiatric therapy.” (Dershowitz denies mistreating her, and his son Elon said that he witnessed no improper treatment.)

Sue had been given provisional custody of the children, but Dershowitz, represented by his friend Silverglate, was seeking sole custody. He brought in a psychiatrist named Pierre Johannet as an expert witness. At first, Johannet recommended joint custody. But in an appearance a month later he testified that he had changed his mind, after listening

to tapes of phone conversations between Dershowitz and Sue. (Dershowitz has a long habit of recording calls, but says that he has no recollection of taping these.)

Judge Freedman, too, was influenced by the tapes. In the conversations, Sue addressed Dershowitz “in the most disparaging terms,” according to the findings. “She called him names over the telephone while the children listened.” The judge noted that Sue interfered with Dershowitz’s visits with the children and harshly insulted Jeanne Baker, who had become Dershowitz’s girlfriend. Freedman relied on testimony from a number of witnesses—including Sue’s sister, Marilyn, who by then was married to Dershowitz’s brother—that Dershowitz would do more to help the children adjust to the divorce. Freedman acknowledged that Johannet had reversed his position—but that, he wrote, merely proved that he was a “truly objective witness.” He awarded Dershowitz custody.

The couple’s dispute over alimony was no less fraught. Sue maintained that Dershowitz had substantially understated his income. In response, Dershowitz submitted two doctors’ affidavits stating that he had developed hypertension; one recommended that he “slow down from his present hectic professional pace.” The judge decided that he should pay Sue a modest sum for five years and nothing thereafter.

The divorce seemed to liberate Dershowitz. He dated widely, becoming a familiar presence at the bar of Harvest restaurant, in Cambridge. In 1982, Dershowitz was giving a speech in Boston, and a psychologist named Carolyn Cohen came to hear him; he spotted her in the back of the room and was transfixed. They soon began living together, and were married four years later; their daughter was born in 1990. They bought a house in Cambridge and vacationed on Martha’s Vineyard.

Sue Barlach moved to New York, and for several years worked as a research librarian for the International Ladies’ Garment Workers’ Union. On New Year’s Eve, 1983, she drowned in the East River, in an apparent suicide.

One night in 1980, Dershowitz appeared at Harvard’s Quincy House dorm, where the porn film “Deep Throat” was scheduled to be screened. He was prepared for controversy. The movie’s female star, Linda Lovelace, had recently published a memoir, “Ordeal,” in which she said that her husband had forced her at gunpoint to perform in the film, and her case had become a feminist cause célèbre. In the days before the

screening, some female residents of Quincy House had objected to being “subjected to abuse and degradation right in our own living room.”

Four years earlier, Dershowitz had represented Harry Reems, the movie’s male star, who had been convicted of conspiring to transport an obscene film across state lines.

Dershowitz saw the suppression of “Deep Throat” as a violation of free speech. He was also not convinced that Lovelace’s performance was coerced. In “The Best Defense,” he recalls asking Reems about her claims. Reems, he wrote, “laughed and said, ‘Are you kidding? . . . She was really into it.’ ”

After young women at Quincy House asked police to prevent the screening, Dershowitz maintained that a fundamental liberty was at stake. “If there is anything more obnoxious to a civil libertarian than the punishment of speech *after* it has taken place, it is the issuance of a *prior* injunction to prevent speech in the first place,” he wrote. Dershowitz argued in various places, including a monthly column he wrote for *Penthouse*, that “radical feminists” were using Lovelace to advance an “all-out war against pornography.” When a crowd of viewers and protesters gathered in front of Quincy House for the screening, he told them, “Feminist fascists are no better than any other kinds of fascists.”

During the eighties and nineties, Dershowitz continued to advocate for civil liberties, but his cases increasingly centered on celebrity, wealth, and greed. In his book “Letters to a Young Lawyer,” Dershowitz identified some common traits among his most infamous clients: “Each of these defendants has virtually unlimited quantities of some things, such as money, power or access to sex or power. They, like everyone else, also had limited quantities of other things, such as life, health, duration of career, reputation, time with family, etc. They got into trouble by putting at risk what they had limited amounts of in order to increase the quantities of those things they had unlimited amounts of.”

His first tabloid-famous client was Claus von Bülow, a Danish-British aristocrat who had been convicted of trying to kill his wife, the heiress Martha (Sunny) von Bülow. In 1982, he hired Dershowitz to appeal the conviction. Von Bülow, trained as a lawyer, had polished manners and, as a result of his marriage, a vast fortune. Describing his first visit to von Bülow’s residence, Dershowitz wrote, “Though I had passed by many of the elegant mansions along Fifth Avenue on my way to and from the museums, I had never actually been inside one.” There was a wood-panelled elevator, art works in the hallway,



and a sitting room with antique leather-bound books on the shelves. “I felt I was in a different world,” he wrote.

Von Bülow had been convicted of attempting to kill his wife by injecting her with insulin; afterward, she lapsed into a decades-long coma, from which she never emerged. Dershowitz, leading a team of law students and young associates, devised an appellate argument built around the idea that Sunny might have caused her own coma, through a prolonged addiction to pills and alcohol. In 1984, Dershowitz got the conviction reversed, and, in a new trial, von Bülow was acquitted.

Dershowitz wrote a book about the case, “Reversal of Fortune,” which was published in 1986. Nora Ephron, reviewing it for the *Times*, noted wryly, “Throughout, in the venerable tradition of defense lawyers who write books about themselves, Mr. Dershowitz made brilliant decisions no one else would ever have been brave or intelligent enough even to consider.” Dershowitz wrote a letter to the editor complaining that Ephron was deriding his work in order to help get a friend’s book about the same case published. (The friend published no such book—and, Ephron replied, wasn’t even a friend.)

“Reversal of Fortune” sold poorly, but Elon, who was involved in the film business, thought that it might find a larger audience as a movie. In 1990, it was released as a major Hollywood film, with Elon as a co-producer. Dershowitz, played by Ron Silver, is portrayed onscreen as a committed fighter for principle. “I’m not a hired gun,” he tells von Bülow, played by Jeremy Irons. “I’ve got to feel there’s some moral or constitutional issue at stake.”

Several Harvard Law School students who were in Dershowitz’s criminal-law class the following spring told me that they were excited to be taught by a legal celebrity. But some of the women in the class found his lectures uncomfortable.

Dershowitz has written frequently that defending the rights of the accused in rape cases is a crucial application of the presumption of innocence. In “Contrary to Popular Opinion,” published in 1992, he included a list of cases in which women acknowledged having made false accusations of rape. He argued, “It is precisely because rape is so serious a crime that falsely accusing someone of rape should be regarded as an extremely

serious crime as well. Imagine yourself or a 'loved one' being falsely accused of raping a woman!"

Some students thought that he strained logic in order to defend men. "In Dershowitz's view, men who are accused of rape, there has got to be a defense," one female student from the 1991 class recalled. "He had convoluted ways of thinking about how men could misinterpret lack of consent. And it wasn't relegated to when we were speaking about a rape case. Wherever we were on the syllabus, he would bring it up."

William Kennedy Smith, a nephew of John F. Kennedy, had recently been accused of raping a woman on a Kennedy family estate, and Dershowitz frequently spoke to the media about the case. (Smith argued that the sex was consensual, and he was later acquitted.) In class, according to a second female student, who is now the chief executive of a nonprofit, "he would talk about Smith and the woman frolicking in the waves, ripping off their clothes." Midway through the semester, "a woman raised her hand and said, essentially, O.K., enough rape examples! There are women in this class who have been raped. Can we move on to something else?"

"His hair just caught on fire," Murph Willcott, a male student who was in the class during the confrontation, recalled. "He seemed to take that as a challenge to his authority, and he made it clear he was going to teach what he wanted to teach."

Dershowitz told *The New Yorker*, "There was a controversy in the class, and a very small number of students objected to the teaching." His intention, he said, was to play "devil's advocate" in order to challenge students' thinking. Dershowitz has not shied away from provocative ideas about sex and the law. In a 1997 op-ed in the *Los Angeles Times*, he argued against statutory-rape laws, writing, "There must be criminal sanctions against sex with very young children, but it is doubtful whether such sanctions should apply to teenagers above the age of puberty, since voluntary sex is so common in their age group." He suggested that fifteen was a reasonable age of consent, no matter how old the partner was. He has also argued against punishing men who hire prostitutes. In a 1985 article, in the *Gainesville Sun*, Dershowitz proposed that a john "who occasionally seeks to taste the forbidden fruit of sex for hire" should not be arrested. The nonprofit executive recalled his discussing the idea in class: "He said, 'Prostitutes know what they're doing—they should be prosecuted. But you shouldn't ruin the john's life over that.' If I had raised



my hand to challenge that, I would have been singling myself out as—God forbid—a feminist.”

When people at Harvard objected to Dershowitz’s views, he insisted that civil liberties were more important than political sensitivities. In April, 1991, Mary Joe Frug, a professor at New England Law, was murdered by a knife-wielding assailant near her house, in Cambridge. The following March, the *Harvard Law Review* published an article that she had been working on when she was killed, “A Postmodern Feminist Legal Manifesto,” which examined how law perpetuated the subjugation of women.

On the anniversary of Frug’s murder, the *Harvard Revue*, a spoof overseen by editors of the *Review*, published a parody, “He-Manifesto of Post-Mortem Legal Feminism.” The author, “Mary Doe,” was described as the “Rigor-Mortis Professor of Law.” The commentary, written in the first person, “was pieced together from scraps dictated to Eve XX, a telekinetic feminist, from beyond the grave.” The *Review* held its gala banquet that night, and left copies of the *Revue* on guests’ plates.

Liberal professors at the law school were outraged. Laurence Tribe likened the students who had written the spoof to Klansmen. He and David Kennedy signed a letter, along with a dozen other professors, decrying the law school’s atmosphere of “sexism and misogyny.” The students apologized, but the furor did not die down. In a column for the Los Angeles *Times*, titled “Harvard Witch Hunt Burns the Incorrect at the Stake,” Dershowitz acknowledged that the parody was “somewhat” offensive, but argued that the response indicated a systemic problem. “The overreaction to the spoof is a reflection of the power of women and blacks to define the content of what is politically correct and incorrect on college and law school campuses,” he wrote. “Radical feminists can accuse all men of being rapists, and radical African-Americans can accuse all whites of being racists, without fear of discipline or rebuke.”

Dershowitz often suggested that contention was an inevitable effect of protecting ideals. In “Taking the Stand,” he quoted a favorite passage from H. L. Mencken: “The trouble about fighting for human freedom is that you have to spend much of your life defending sons of bitches: for oppressive laws are always aimed at them originally.” In the early nineties, Dershowitz represented the Reverend Jim Bakker after he was convicted of defrauding parishioners, and the hotel baroness Leona Helmsley after she was convicted of defrauding tax authorities; he represented Michael Milken after he was convicted of

financial fraud. In a number of cases, he represented prominent men who had been accused of committing violence against women. He helped get O. J. Simpson acquitted in the killing of his wife; he represented Jeffrey MacDonald, a former Green Beret and doctor convicted of killing his wife and his two daughters, and Mike Tyson, who had been convicted of raping an eighteen-year-old contestant in the Miss Black America contest.

The victim in Tyson's case, Desiree Washington, claimed that he had brought her to a hotel room in Indiana and forced her to have sex. Dershowitz maintained that Washington had consented to a one-night stand, then tried to exploit it for money and publicity. In his appeal, he argued that the prosecution had improperly excluded testimony from witnesses who saw the two "necking" in Tyson's limousine before they went to his hotel room. "Desiree was hardly the naive virgin she pretended to be," he wrote in "Taking the Stand." Instead, she was "a sexually active young woman who hung out in nightclubs." In an interview with the *Toronto Star*, he said that after the incident Tyson had asked Washington, "Now do you love me? Do you want to spend the night?" Dershowitz added, "That doesn't sound like a rapist to me."

He was confident enough in his case to tell the *Star*, "Tyson is going to be the cutting-edge case defining the law of acquaintance rape probably for the next decade." In the end, though, the ruling went against Tyson.

Controversial as these kinds of cases were at Harvard, they raised Dershowitz's profile, and they were lucrative. As his fees continued to rise, he and his wife bought a million-dollar house in Cambridge.

Dershowitz likes to say that he met Jeffrey Epstein through his friend Lady Rothschild—the former Lynn Forester. In 1996, Forester (who actually had not yet married into the Rothschild dynasty) suggested that he would enjoy getting to know Epstein, an "interesting autodidact." Epstein, who had grown up in Coney Island and dropped out of college, was an unimposing person, described by one friend as "shy, weird, introverted." But he had luxurious houses, a private plane, and huge amounts of money to spend. He was friendly with many famous men and was drawn to intellectuals. Dershowitz, according to longtime friends, has an enduring fascination with fame, society, and wealth. Charles Fried, a distinguished jurist who taught with Dershowitz at

Harvard Law School, told me, “If you get a chance to go to fancy places with lots of rich people and fly around on private planes—I think he probably finds that hard to resist.”

Epstein flew to Martha’s Vineyard and visited Dershowitz, bringing a bottle of champagne. The two men found common interests, Dershowitz later recalled: “We talked about science, we talked about academia, we talked about Harvard.” Epstein, like Dershowitz, had come from a humble background. In the seventies, he had been a trader and a wealth manager at Bear Stearns, before leaving to start his own small firm. In the late eighties, he was hired as a financial adviser by the man he describes as his “mentor”: Leslie Wexner, the founder and chairman of L Brands, a consortium of retail companies that include Victoria’s Secret. Epstein has said that he refused to accept clients with less than a billion dollars in assets, but Wexner is the only client he has ever named.

In New York, Epstein lived in one of the city’s largest private homes: a seven-story mansion on East Seventy-first Street, overlooking the Frick. Wexner bought the building in 1989, and within seven years Epstein had taken up residence. “Jeffrey loved discussing how he got the mansion from Wexner for a dollar,” a former Epstein employee told me. (A source with knowledge of the deal said that the transaction involved millions of dollars, routed through a series of holding corporations.) Epstein used his mansion to establish a salon for scientists. “I’ve known a couple of billionaires in my life,” an occasional guest at gatherings there said. “They have their hobbies. Jeffrey’s was scientists. He liked to collect them.” He also held parties for many of New York’s most powerful finance executives and politicians.

Maria Farmer, who worked at Epstein’s mansion in those days, told me that there were often young girls around. An aspiring artist, she had been introduced to Epstein at a gallery downtown, where she was exhibiting her paintings. He bought one, insisting on a discount. Eventually, she agreed to work the door at his house, signing in tradesmen, decorators, and friends. Farmer said that new girls arrived every day, some of them wearing school uniforms. She recalls asking, “Why are all these girls coming and going?” She was told that they were auditioning for work as models for Victoria’s Secret.

**I**n September, 1996, Epstein invited Dershowitz to meet Wexner, who was throwing a party for his fifty-ninth birthday. They flew together to New Albany, Ohio, where Wexner had a three-hundred-acre estate, with a Georgian manse for himself and a large house for Epstein. The guests, Dershowitz says, included John Glenn, the senator and

former astronaut, and the former Israeli Prime Minister Shimon Peres. Dershowitz quickly assessed his role: “I was Jeffrey Epstein’s intellectual gift to Leslie Wexner.”

Epstein thought of himself as a patron of academia, and was particularly drawn to Harvard. In 1990, he and Wexner had helped to fund a new building for Harvard Hillel. Epstein also funded research into the history of science, but he wanted to be more than a donor; he wanted to be a member of the community. By 1998, he was serving on the advisory board of the Harvard Society for Mind, Brain, and Behavior. After Lawrence Summers became president of the university, in 2001, Epstein flew him to the Virgin Islands on his plane.

In 2003, Epstein pledged thirty million dollars to Harvard to create the Program for Evolutionary Dynamics. He recruited Martin Nowak, a biologist from Princeton University, to lead it, and established offices for the program in a building in Brattle Square. On the top floor, Epstein organized discussions on science, psychology, and other subjects, inviting academics from Harvard and M.I.T. to attend. Dershowitz often participated; the two men were once photographed there, engaged in conversation, Epstein wearing a Harvard sweatshirt.

In the end, Epstein contributed only six and a half million dollars, according to the Boston Globe. But the money was understood at the time to be a first installment; Henry Rosovsky, the former dean of the Faculty of Arts and Sciences, said that he hoped Epstein would become “one of the leading supporters of science at Harvard.”

Dershowitz, who became a faculty affiliate of the program that Epstein funded, told a *Harvard Crimson* reporter that Epstein would “benefit Harvard in a lot of ways. He’s a lot more interesting than some traditional academics.” He called Epstein “brilliant,” and said that when they talked, debating mathematics, genetics, law, and psychology, “nobody finishes a sentence. We cut each other off all the time because we just get it.” Epstein, he later said, was the only person outside his family whom he trusted to evaluate drafts of his books. His wife once asked whether the friendship would endure if Epstein suddenly filed for bankruptcy. Dershowitz replied, “I would be as interested in him as a friend if we had hamburgers on the boardwalk in Coney Island and talked about his ideas.”

Epstein could be a loyal supporter. Early in their relationship, he contacted Orin Kramer, the founder of the hedge fund Boston Provident, and said that he wanted to invest several hundred thousand dollars from Dershowitz. It was a small sum for Kramer’s

fund, but Epstein, who had recently invested thirty million dollars in the fund, was a significant client. Kramer agreed to take Dershowitz's investment. The next year, after the fund sustained enormous losses, Epstein contacted him again and said, "One of us is going to make Alan whole—and if I have to do it, that is an outcome you will regret." Kramer was taken aback; Dershowitz had signed papers, which are standard among hedge-fund investors, acknowledging that his money was at significant risk. Ultimately, though, he agreed that he would personally restore Dershowitz's investment if Epstein left the remainder of the money he controlled in the fund. (Dershowitz says that he never heard that Epstein had made this call, and that he understood Kramer had restored his money because he felt a "moral obligation.")

On campus, Dershowitz was controversial for his increasingly hawkish views on Israel. At times, Epstein lent support against political enemies. In January, 2007, the evolutionary biologist Robert Trivers learned that he was to receive the prestigious Crafoord Prize in Biosciences, and Martin Nowak invited him to celebrate the occasion with a talk at the center that Epstein had funded, followed by a reception. That April, Trivers sent Dershowitz a letter criticizing his "rationalization of Israeli attacks on Lebanese civilians" the summer before, during Israel's conflict with Hezbollah. If Dershowitz persisted in this kind of argument, he wrote, he could "look forward to a visit from me. Nazis—and nazi-like apologists such as yourself—need to be confronted directly." Dershowitz called the Harvard police, and, in a *Wall Street Journal* op-ed, complained that "radical goons" had sent him "threatening messages."

On May 25th, the day of the party, Trivers was chatting with students when he got an urgent message from Nowak: he was cancelling the party, under orders from someone he would not identify, because Trivers had "called a Harvard professor a Nazi." (Nowak did not respond to requests for comment.) Trivers told me, "I had invited twenty people—there was no way to contact all of them. It was the most painful thing that had happened to me in academia." Trivers said that Epstein later acknowledged that he had made the call: "He apologized for having stopped my talk. So that actually formed a bond between Jeffrey and me."

In October, 2005, Epstein discovered that the Palm Beach police were investigating him for abusing underage girls, and he quickly called Dershowitz to ask him to coordinate the defense. Dershowitz later wrote, in an article for the American Bar Association, that he hesitated, since Epstein was an "acquaintance," and lawyers are cautioned against



representing people they know socially. But ultimately he agreed. He has since said that Epstein's case is the only one, out of more than two hundred and fifty in his career, that he regrets taking. Dershowitz told me that he was misled about the severity of the allegations. He said that Epstein had told him that "there were only half a dozen accusers who were under the age" and that "they slipped through the cracks—they presented fake I.D." He added, "When I later learned the extent of this, I was shocked."

The investigation of Epstein had begun in March, 2005, when two worried parents went to the Palm Beach Police Department. Their fourteen-year-old daughter had got in a fight at school, and, when the assistant principal was called in, she found more than three hundred dollars in the girl's purse. The girl told detectives that she had gone to Epstein's mansion to give him a massage, after a friend told her that he would pay. He ordered her to take off her clothes, and she said she stripped to her underwear and massaged him as he masturbated and used a vibrator on her, over her underpants. She cried as she described the incident.

The girl had been recruited by a community-college student, who told detectives, in a sworn interview, that Epstein paid her to bring him girls, "the younger the better." Epstein's former house manager, Juan Alessi, told police that Epstein had as many as three massages a day, and that toward the end of his employment, in 2002, the women giving them were "younger and younger."

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According to victims, Epstein's scouts were instructed to find girls who met his physical criteria—nymphishly thin, with no tattoos. He sent gifts to favorites: a bouquet of roses, a plane ticket, a car. He offered to pay for college, or ballet school, or courses at the Fashion Institute of Technology. In exchange, he made escalating demands. One woman, who began visiting the Palm Beach mansion when she was sixteen, said that Epstein urged her to free herself from her family and become his “sex slave.” He instructed her to have sex with a female assistant, whom he claimed he'd bought from her parents, in Yugoslavia, when she was in her early teens.

In New York, according to the Miami Herald, Epstein worked with a modelling agency owned by a friend to procure underage girls from abroad, providing them with housing and paying their visa fees. He had parties where girls were lent out during the evening. Some girls lived in apartments that he owned in a building on East Sixty-sixth Street. Others moved between his properties: the house in Palm Beach, a ranch in New Mexico, the mansion on the Upper East Side, and his private island. The girls weren't allowed to smoke, and their weight was monitored carefully. They were always on call.

Epstein's most steadfast companion was Ghislaine Maxwell—a dark-haired, ebullient woman who was a lively presence in New York's socialite scene. She was the daughter of Robert Maxwell, who had built a publishing empire and a career in British politics; in 1991, he was found dead in the ocean near the Canary Islands, having apparently fallen from his yacht, the *Lady Ghislaine*. (Afterward, his businesses were discovered to be riddled with financial improprieties.) Ghislaine Maxwell was nine years younger than Epstein, and girls in his inner circle said that she was intensely devoted to keeping him content. Maria Farmer, who worked the door at the New York mansion, recalled that Maxwell often greeted her in the morning by saying, “I have to get some girls today for Jeffrey.” Farmer added, “She was literally driving around New York City, or walking in Central Park, looking for young girls to bring back.” (Maxwell has denied any impropriety.)

One of the women who say that they were recruited by Maxwell was Virginia Roberts Giuffre. In a series of conversations with me during the past year, she described her experience. In 2000, Giuffre, then not quite seventeen, was outside Mar-a-Lago, Donald Trump's resort in Palm Beach, where she had recently got a job as a locker-room attendant. Maxwell, pulling out of the parking lot in a chauffeured car, spotted her and told the driver to stop. Giuffre was reading a book about anatomy and massage therapy.



“This nice older lady came up to me,” she recalled. “She had an awesome English accent, and she started conversing with me about what I was reading. She said, ‘Wow, you’re really interested in massage. That’s so interesting! Because I actually know somebody who’s looking for a travelling masseuse.’ ”

Giuffre became a regular presence at Epstein’s Palm Beach mansion and often went with him to New York. She learned that she was to have sex with him several times a day, sometimes along with Maxwell and other girls. After several months, her duties increased. In a court document, she stated that she was “required to be sexually exploited by Defendant’s adult male peers, including royalty, politicians, academicians, businessmen.” She told me, “Ghislaine would say, ‘We want you to please these men in whatever way they want, I don’t care how gross or kinky it is.’ ” Epstein wanted her to report back about what the men liked. Giuffre told me that a video-recording system had been installed in the New York mansion, and she was convinced that Epstein was gathering information to use for leverage on the men. Doctors were on call to treat her and the other girls, and Giuffre remembered that Epstein would tell his friends that “we were clean, we’re tested regularly, we’re on birth control, no need to use a condom.”

Many of the girls came from troubled backgrounds. “These are not kids that he picked up from an Ivy League school,” Giuffre said. “He picked vulnerable victims.” Giuffre told me that she was sexually abused by a family friend when she was very young. By the time she was thirteen, she was living on the streets, where she was abused by older men. Life with Epstein provided a kind of security; he paid her, got her an apartment, and took her to New Mexico, London, Paris, Tangiers, and his island. When she was dismayed by her life, she said, she “self-medicated” with Xanax. She was afraid of what Epstein would do if she left. “I wasn’t chained to a sink—but they had an invisible chain for me. I know he had power,” Giuffre said. “He was constantly telling me, ‘I own the police department—I have friends that owe me favors.’ ”

The detectives pursuing Epstein in Palm Beach believed that they had a strong case; they had interviewed numerous underage victims who seemed credible. The police chief, Michael Reiter, recalled in a deposition that when he discussed the investigation with the state’s attorney, Barry Krischer, “he said, ‘Let’s go for it, this is an adult male in his fifties who’s had sexual contact with children.’ ” But once Dershowitz got involved, Reiter said, “the tone and tenor of the discussions of this case with Mr. Krischer changed completely.”

Detective Joseph Recarey, the lead investigator, later testified about a meeting he had attended with Dershowitz and Krischer. Dershowitz presented a selection of posts from MySpace, in which the girls recounted experiences with alcohol or marijuana. Recarey recalled that Dershowitz set forth the posts as evidence that the girls were “not to be believed.”

Reiter said in a deposition that he and Recarey were under constant surveillance for months. Their movements were tracked and their trash was searched. Reiter also testified that Dershowitz had contracted private investigators to look into his background. (Dershowitz and Epstein deny any involvement in this.)

Dershowitz focussed especially on a young woman, identified in the police report as A.H., who had given some of the most damaging testimony against Epstein. A.H. told Recarey that she had started going to Epstein’s house in 2003, when she was sixteen—she was saving up for a camping trip to Maine, and a friend said she could make two hundred dollars fast—and she had become his “favorite.” At times, Epstein photographed her naked. (He often took nude pictures of girls and displayed them around the house.) He sent roses when she starred in her high-school play. She had set a rule with Epstein that they wouldn’t have intercourse, but one day he pushed her down and forcibly penetrated her. She rebuffed him—“What are you doing?”—but she kept coming to see him. “You know what he promised me?” she told Recarey. “That I would get into N.Y.U., and he would pay for it. And I waited and I waited and I scored great on my SATs, and I got a 4.0. . . . I think that has a lot to do with the reason I stayed there so long. ‘Cause my dream was like right in front of me, you know?”

Dershowitz sent Recarey a letter about A.H., containing what he described as a “troublesome and telling illustration of her character.” He said that he had sent two investigators to speak with her, instructing them to take notes, “because we feared that she, an accomplished drama student, might try to mislead them as successfully as she had misled others.” The investigators, he continued, were “quite shocked at the overwhelming, non-stop barrage of profanity . . . from what initially appeared only to be a young woman of slight build and soft demeanor.” He also enclosed snippets from A.H.’s presence on social media. “She, herself, has chosen to go by the nickname of ‘pimp juice’ and the site goes on to detail, including photos, her apparent fascination with marijuana,” Dershowitz wrote. (Dershowitz denies gathering information from social media, and says that the letter was composed by someone else in his office, although it

bears his signature and is written in the first person.) He suggested that her claims about Epstein were motivated by a desire for money. He publicized the accusations in the *Daily Mail*, saying that A.H. “had a long record of lying, theft, and blaming others for her crimes.”

In June, 2006, a grand jury called by Krischer, the state’s attorney, charged Epstein with one count of soliciting prostitution—with no mention of underage girls. There was no requirement that he register as a sex offender and no mandatory jail time. To Epstein, leniency seemed appropriate; he once likened his offense to that of “a person who steals a bagel.”

But Reiter felt that the charges were insufficient. He requested a federal investigation, and the F.B.I., in a fourteen-month inquiry called Operation Leap Year, identified at least thirty-four victims of Epstein. Prosecutors prepared a fifty-three-page indictment, which could have resulted in a life sentence. Dershowitz argued that federal prosecution was unjustified. In July of 2007, he and another defense lawyer also wrote to prosecutors, “As we believe we persuaded you . . . Mr. Epstein never targeted minors.” Epstein’s lawyers reportedly said that he was being unfairly pursued because of his wealth.

During the next two months, Epstein’s team negotiated for a better deal with the U.S. Attorney in Miami, Alexander Acosta, who went on to become the Secretary of Labor in the Trump Administration. They arrived at a “non-prosecution agreement,” in which the federal government would throw out its indictment if Epstein pleaded guilty to two state felony charges for solicitation of prostitution, one involving a minor. The deal had two unusual facets. It contained a provision granting immunity to “any potential co-conspirators”; and it was made without informing Epstein’s accusers, a violation of the Crime Victims’ Rights Act. (Dershowitz said, “I was not directly involved in any decision not to inform the victims. That was not my responsibility.”)

On June 30, 2008, Epstein pleaded guilty. He was given a brief sentence: eighteen months in a county jail, with access to a lenient work-release program. Six days a week, he was allowed to leave for an office nearby, where he received visitors—including, one deputy recently told the Associated Press, a number of young women. While Epstein was in jail, a friend asked what he was reading. “*De Profundis*,” he replied, referring to the letter Oscar Wilde wrote from prison to his lover Lord Alfred Douglas.

After thirteen months, Epstein was released. At his mansion in New York, he had a mural painted of himself in jail, telling visitors that it was a reminder that he could always go back.

Dershowitz says that after Epstein got out of jail they no longer socialized. He sometimes still visited the mansion on East Seventy-first Street, but only to offer legal advice. Epstein resumed his meetings with academics at the Brattle Square office, and, although Lawrence Summers and Henry Rosovsky attended at least once, Dershowitz did not.

The victims, too, wanted to distance themselves from Epstein. Virginia Giuffre had left his orbit in 2002, soon after she turned nineteen. Maxwell and Epstein had agreed to send her to Thailand for a three-week course in massage, and arranged for her to bring back a young girl for Epstein. There, Giuffre met an Australian man, Robert Giuffre, who was on vacation. They fell in love, and were married ten days later.

For five years, Giuffre had no contact with Epstein or Maxwell. She and her husband moved into a house outside Sydney; they had two children, and Giuffre got pregnant again. Then, one afternoon, she answered her cell phone and heard Maxwell's exuberant voice: "Hi, how's life?" Maxwell told her that Epstein was being investigated, and that if she refused to cooperate with police she'd be "taken care of." Giuffre told me that she declined the offer, but reassured Maxwell that she wouldn't speak to anyone; a few days later, Epstein and his lawyer called to hear her say it directly. She was frightened that they had been able to track her down. "I wanted to start a brand-new life with my husband," Giuffre said. "And when Ghislaine and Jeffrey called it was, like, Oh, my God, this isn't going to go away. That is when I started having to deal with the past."

In September, 2008, Giuffre got a letter from the U.S. Department of Justice, informing her that, as a victim of Epstein's, she was entitled to sue him for damages. Giuffre engaged a Miami lawyer named Katherine Ezell, and the following May she sued Epstein, as Jane Doe 102. Epstein eventually settled her suit, paying an undisclosed sum, but the story persisted.

In February, 2011, Giuffre heard from Sharon Churcher, a reporter for the *Mail on Sunday*, inquiring about her time with Epstein. Churcher asked if she had any way to substantiate her story. Giuffre had a picture of her posing with Prince Andrew, the Duke

of York. “She literally was on the plane the next day,” Giuffre told me. (The *Mail on Sunday* later paid her a hundred and forty thousand dollars for the use of the photo and twenty thousand for giving interviews.) Churcher was the first journalist she had ever met, and, Giuffre said, “I felt like we were buddies.” As Churcher showed her pictures of prominent men in Epstein’s circle, Giuffre identified some of those she’d had sex with.

The next month, the *Mail on Sunday* published a series of articles, focussed on Prince Andrew, which brought new attention to the case. Two F.B.I. agents contacted Giuffre, saying that they wanted to reopen the investigation, and they soon came to Australia to hear her recount her experience. The story also attracted the notice of lawyers working with other Epstein victims. That spring, Giuffre got a call from Bradley Edwards, an attorney in Florida. He explained that he was working with Paul Cassell, a University of Utah law professor and a former federal judge, on a suit that might overturn the non-prosecution agreement, allowing a new inquiry into Epstein’s case. He asked if she would talk about her experience.

In December, 2014, Giuffre set up a foundation, Victims Refuse Silence, to help survivors of sexual abuse and trafficking. The same month, she filed a motion to join the suit. She claimed that Epstein had abused her, and had trafficked her to powerful friends. She named three: Jean-Luc Brunel, a modelling agent; Prince Andrew; and Alan Dershowitz. She asserted that she’d had sex with Dershowitz at least six times, in Epstein’s various residences, on his island, in a car, and on his plane. When I asked why she had decided to name Dershowitz, she said, “Jeffrey got away with it, basically. And Dershowitz was one of the people who enabled that to happen.” She went on, “Dershowitz thinks he’s a tyrant and can get away with anything. And I wanted to say, I might be as meek as a mouse, but I’m going to hold you accountable.”

After Giuffre’s claims became public, Buckingham Palace “emphatically denied” the allegations about the Duke of York. Brunel issued a denial. Dershowitz began an urgent campaign to clear his name, which has lasted almost five years. Starting in January, 2015, he made a series of television appearances to dispute Giuffre’s claims. Using some of the same language that he had employed to describe Epstein’s victims a decade earlier, he called her a “serial liar,” a “prostitute,” and a “bad mother,” who could not be believed “against somebody with an unscathed reputation like me.” He insisted that Giuffre had “made the whole thing up out of whole cloth,” in search of “a big payday.” When a TV



reporter in Miami questioned his characterization of Giuffre, a sex-abuse victim, as a “prostitute,” Dershowitz replied, “She made her own decisions in life.”

At Harvard, thirty-eight of Dershowitz’s fellow-professors signed a letter supporting his right to defend himself. Among themselves, they debated whether the allegations could be true, and whether he was employing the right strategy. “I know a little bit about his private life—not much,” Charles Fried said. “I think he’s very much a family man. I was inclined to believe him. But you know the old saying—you lie down with dogs, you get up with fleas. Epstein is a very hard client to represent without getting smudged in that way. It can be done—but that requires a little more distance and discipline, and also a willingness to eschew fun, than Dershowitz perhaps is willing to show.”

Fried noted that, when Giuffre made her claims about Dershowitz, “he responded in typical Dershowitz fashion: Attack! Attack! Attack! He made her the defendant, and he attacked. And I think that probably had some effect.” But other peers of his think that his insistence on winning the case in the court of public opinion has had disastrous results. “He created the issue by his attacks on Virginia Giuffre,” a longtime colleague said. “It would have been better to let the allegation die of its own weight.”

In media appearances, Dershowitz argued that Giuffre’s lawyers, Edwards and Cassell, had conspired with her to fabricate testimony that would negate Epstein’s non-prosecution agreement. “If they could find a lawyer who helped draft the agreement who also was a criminal having sex—wow, that could help them blow up the agreement,” he told CNN. “So they sat down together, the three of them, these two sleazy, unprofessional, disbarable lawyers . . . they said, ‘Who would fit into this description?’ . . . They and the woman got together and contrived and made this up.” He declared, “The end result of this case should be she should go to jail, the lawyers should be disbarred, and everybody should understand that I am completely and totally innocent.” The case had continued, he suggested, only because Edwards and Cassell were “prepared to lie, cheat, and steal.” Noting that Giuffre had made her allegations in a statement, rather than in a sworn affidavit, he said that her lawyers had encouraged that choice, “because they know if they submit a sworn affidavit they would go to jail.”

Soon afterward, Giuffre submitted a sworn affidavit. “I have recently seen a former Harvard law professor identified as Alan Dershowitz on television calling me a liar,” she

wrote. “He is lying by denying that he had sex with me. That man is the same man that I had sex with at least six times.” When I talked with her, she suggested that Dershowitz had made a tactical mistake by attacking her so persistently. “The ‘bad mom’ thing actually hurt the worst,” she said. “I love my children more than I love my own life.”

Edwards and Cassell, who strongly denied Dershowitz’s claims, sued him for defamation in January, 2015, and Dershowitz countersued. Giuffre became a witness. She was represented, pro bono, by David Boies, of Boies Schiller Flexner, and by his partner, Sigrid McCawley.

Dershowitz and Boies have known each other since they were young lawyers, when Dershowitz was teaching at Harvard and Boies was at Cravath, Swaine & Moore. Boies is among the highest-paid trial lawyers in America, a skillful courtroom tactician with a keen instinct for public opinion. For decades, he has cultivated a reputation as a defender of principle. He represented CBS in a major First Amendment case, prosecuted Microsoft for antitrust violations, and fought for marriage equality in *Hollingsworth v. Perry*, the landmark suit in California.

But Boies has also damaged his reputation by using strikingly aggressive tactics. In 2011, he agreed to represent Theranos, a startup that claimed to have pioneering blood-test technology; he later served on the company’s board. When the *Wall Street Journal* pursued an exposé of Theranos’s deceptive business practices, Boies vehemently warned against publishing the article, and worked to silence whistle-blowers within the company. (He maintains that he was protecting his client’s intellectual property, and that he did not try to impede publication.) Boies stopped representing Theranos in the fall of 2016, but remained on the board for another half a year. In March, 2018, the Securities and Exchange Commission charged the company’s founder with coordinating a “massive fraud” that misled investors and patients. In October, 2017, this magazine and the *Times* were investigating accusations of sexual abuse against Harvey Weinstein, who was Boies’s client. Boies’s firm hired Black Cube, a private intelligence company run by former Israeli military operatives, to disrupt the reporting. In the process, Black Cube operatives impersonated a source and assumed other false identities to gather information on the reporters. (Boies said that he regrets not supervising Black Cube more closely.)



In the summer of 2014, Boies, who has described courtroom proceedings as “essentially morality plays,” met with Giuffre and vetted her story. She was an imperfect witness. She had used drugs throughout the time she was with Epstein, and she acknowledged being hazy on dates. She initially recalled that she started working at Mar-a-Lago when she was almost sixteen, but employment records showed that she started a year later—meaning that she had been underage for less than a year of the time in which Epstein lent her to his friends. Yet Giuffre maintained that she never forgot the faces of the men she had sex with. At thirty, she was plainspoken and direct, with a quiet self-assurance that seemed hard-won. “She didn’t try to pretend she was perfect, didn’t try to give a constructed narrative,” Boies told me.

Dershowitz presented his own difficulties as a witness. When taped depositions began, in October, 2015, he often refused to answer questions, delivering long soliloquies and furious denunciations. Even his own lawyer tried at times to restrain him. Eventually, a special master, a kind of referee, was appointed to help control the proceedings. The special master repeatedly admonished Dershowitz (“Mr. Dershowitz, I’m going to ask you to stop”), and struck some of his testimony from the record.

Dershowitz argued that he was being used as a “stalking horse”: Boies’s real goal, he said, was to use him as an example to frighten Leslie Wexner into paying a large settlement. He insisted that he had never met Giuffre, that he had never seen photographs of naked girls in Epstein’s house, and that he had never seen Epstein with underage girls; if he had, he would have reported him to the authorities. Giuffre was a “serial liar,” he said—nothing she said could be believed.

In cases of sexual abuse, one important legal standard is “contemporaneous outcry,” in which victims disclose attacks to people they trust, soon after the event. Giuffre, like many of the other women around Epstein, describes herself as isolated, and says that she was discouraged from speaking with the girls who came and went from Epstein’s homes. But she has said that she talked about Dershowitz with Tony Figueroa, her boyfriend during the time she was with Epstein. Giuffre described calling him from the island and complaining of being obligated to “have sex with O. J. Simpson’s lawyer.” In January, 2016, two attorneys working with Dershowitz tracked Figueroa down to secure an affidavit that would preempt any such testimony. “Virginia only once mentioned Alan Dershowitz,” it read. “I remember she described Mr. Dershowitz as ‘O. J. Simpson’s

lawyer.’ She did not say she ever had any physical contact with him.” Figueroa, who has been arrested several times on minor drug charges, signed the document.

Dershowitz also gathered evidence from phone calls with Rebecca Boylan, a girlhood friend of Giuffre’s. In a transcript that he introduced during a deposition, he informs Boylan that he’s turning on a tape recorder and asks her to “please repeat what you told me previously.” Boylan says that Giuffre was pursuing Dershowitz only under pressure from lawyers, and that “I’ve never heard her mention you as [sic] when we were kids.” Dershowitz says, “I’m now turning off the tape recorder. Thank you so much.” Giuffre said that Boylan agreed to the call after they had a falling out. Dershowitz said that Boylan contacted him, unprompted, because she was “horrificed by what was happening to me.” (Boylan did not respond to requests for comment.)

Dershowitz told me that he wanted the case to go to trial. But, in December of 2015, he e-mailed Boies to discuss a settlement—on the condition that Giuffre acknowledge that her accusation could have been a mistake. He wrote, “We should be aiming at a short simple statement such as: ‘The events at issue occurred approximately 15 years ago when I was a teenager. Although I believed then and continued to believe that AD was the person with whom I had sex, recent developments raise the possibility that this may be a case of mistaken identification.’ ”

In April, 2016, the case settled, with no such statement. The press reported that the agreement included a financial arrangement, implying that Giuffre’s team had paid. In fact, Dershowitz’s insurance company had paid Giuffre’s lawyers. (In negotiations, the parties had discussed a figure of nearly a million dollars, with fifty thousand going to Dershowitz, which would allow him to claim a payment. The final amount has not been disclosed.) Dershowitz also got a valuable concession: Edwards and Cassell agreed to release a statement saying that it was “a mistake to have filed sexual misconduct accusations against Dershowitz.” As the statement circulated in news reports, Edwards and Cassell rushed to clarify that they had committed a “tactical” mistake. They had attached Giuffre’s filings to a case centered on Epstein, not on Dershowitz; because the filings were not directly relevant, the judge had struck them from the record. Dershowitz, in interviews, ignored this interpretation and said that he hoped that Giuffre would be investigated for perjury. The previous fifteen months, he said, had been like “being waterboarded.”

Dershowitz was free of the lawsuit, but his public stature was diminished. He had retired from Harvard Law School in 2013, at seventy-five, and he was finding media invitations elusive. His latest book, “Electile Dysfunction,” attracted little interest. He made frequent appearances on Newsmax, the conservative news outlet. Dershowitz remained preoccupied with Giuffre’s allegations. In late 2016, he complained to *Boston* magazine that, as a result of her claims, he had lost two clients and had stopped getting requests to accept honorary degrees. Before an appearance at Johns Hopkins, he was greeted by women wearing duct tape over their mouths, holding signs that read “You Are Rape Culture.”

With the election of Trump, though, he became a regular guest on Fox News, sometimes appearing several times a week, to accuse the President’s antagonists of misreading the law. After Trump fired the F.B.I. director James Comey, Dershowitz went on “Fox & Friends” and dismissed accusations of obstruction of justice. And when Robert Mueller was appointed special counsel Dershowitz voiced his opposition, arguing that a special counsel had too much power. Dershowitz was often introduced as an impartial arbiter—a Democrat who happened to feel that Trump had been mistreated. It helped that he had been arguing against special counsels at least since 1998, when he wrote “Sexual McCarthyism,” a book protesting the investigation of Bill Clinton. He also noted frequently that he had voted for Hillary Clinton in 2016, and insisted that his interest was nonpartisan. “I’m going to speak out on civil liberties,” he told Tucker Carlson, on Fox News. “And sometimes it’s going to help Trump. Sometimes it’s going to hurt him.” Civil liberties were “more important than politics,” he declared. Carlson replied, “Well, God bless you.”

At times, Dershowitz’s defense of Trump put him in conflict with old comrades. In April, 2018, he accused Mueller, with no apparent evidence, of complicity in one of the worst scandals in F.B.I. history, in which four men in Boston were wrongly imprisoned for murder, in 1968, based on false testimony from a mafioso who was also an informant for the Bureau. In a radio interview, Dershowitz said that Mueller, who had worked in the U.S. Attorney’s Boston office, had “kept four innocent people in prison for many years.” The allegations echoed across the right-wing media, with statements from Sean Hannity and Rush Limbaugh, and Dershowitz called for an investigation by the Justice Department’s inspector general. As it happened, Nancy Gertner had been the presiding judge in the most expansive lawsuit in the case, in which representatives of the four framed men sued the federal government. On April 18th, she published an Op-Ed in

the *Times*, noting that, in thousands of pages of court records, “there is no evidence that the assertion is true.” Gertner told me that she was dismayed by Dershowitz’s recent appearances: “He has squandered his position as a Harvard law professor and a civil libertarian—for the sole purpose of being on TV.”

Some of Dershowitz’s most striking statements came during Brett Kavanaugh’s Supreme Court confirmation hearings. When Christine Blasey Ford accused Kavanaugh of assaulting her at a high-school party, Dershowitz complained on “Fox & Friends” that other commentators were endorsing her claims without sufficient evidence. “You’ve never met her!” he said. “Are women born with a special gene for telling the truth and men with a special gene for lying?” In another appearance on the show, he mocked his opponents in the argument over Kavanaugh: “ ‘We know he’s guilty because he’s a white man. She’s a woman, she’s a survivor—that’s the end of the inquiry.’ ”

This January, Dershowitz was on Fox News, discussing the Mueller investigation, when the host asked solicitously about the accusations against him. Not long before, the Miami *Herald* had published a deeply reported three-part series, by Julie Brown, that offered new details on Epstein’s case and the negotiations that led to his deal. Dershowitz seemed eager to answer the question. “There are e-mails so far that are secret, but that prove not only that I was framed but who framed me,” he said. “Have me back on the show when the e-mails come out. Boy, it will be so interesting—because there will be prominent people in handcuffs.”

Dershowitz has spoken frequently of having incontrovertible proof that Giuffre is lying. “I don’t think anybody in the history of law has ever been able to prove a negative so persuasively, by so much documentary evidence, as I have,” he told *The New Yorker*. His evidence, though, often leads to further disputes. He has pointed to an unpublished memoir by Giuffre, saying, “In her manuscript, she says she never had sex with me.” She does not say this. In the memoir, Dershowitz appears in only one passage: He knocks on the door of a bedroom where Epstein has just finished having sex with Giuffre, and Epstein invites him in for a discussion. Giuffre writes, “Alan’s taste for the young and beautiful was the bias [sic] for a blooming business relationship between him and Jeffrey.”

Dershowitz also points to e-mails that Giuffre sent to the reporter Sharon Churcher, several months after their meeting, as she was drafting the manuscript. When Giuffre

asked for help reconstructing the list of men she had compiled from looking at photographs, Churcher mentioned Dershowitz, writing that she and others suspected him of sexual misconduct, “and tho no proof of that, you probably met him.” Giuffre told me, “I can’t say what she was thinking, but I think she threw Alan into it forgetting that I had already mentioned him, even informed her of the experiences I had with him.”

When Giuffre’s allegations first became public, the *Daily News* quoted Dershowitz as saying that he never had a massage at Epstein’s home. After the story came out, he quickly asserted that he did have a massage there—though he said that it was given by a “fifty-year-old Russian woman named Olga,” and added, “I kept my underwear on.” In any case, he says, during the years that Giuffre lived with Epstein, he never met her; his travel records demonstrate that it was impossible. I examined the records for a few hours, though I wasn’t allowed to copy them. Every day had been accounted for, and in most cases there was documentation—a credit-card bill, a public appearance. But some of the dates were supported by only a handwritten datebook entry (“New York”), or by a telephone call from a landline, which could have been made by anyone at the address. And Dershowitz lived in New York from September, 2000, to June, 2001, when Giuffre was often with Epstein at his mansion. His schedule contains notations about meetings with “Jeffrey.”

In 2015, Dershowitz hired a security firm, led by the former F.B.I. director Louis Freeh, to look into Giuffre’s claims. Dershowitz provided a one-page summary of the inquiry, which said that investigators had “found no evidence to support the accusations.” The summary notes that Giuffre described seeing Al Gore and Bill Clinton on Epstein’s island, and said that Secret Service records showed no evidence of such a visit. (Gore and Clinton deny visiting the island, although Clinton has acknowledged taking multiple trips on Epstein’s plane.) The summary points to no other specific discrepancies. When *The New Yorker* asked Dershowitz to see supporting documentation for the report, he said that he didn’t have it; Freeh’s firm did not respond to requests for substantiation. Giuffre told me that Freeh’s investigators had never interviewed her.

Dershowitz has frequently argued that Giuffre never accused him until Edwards and Cassell manipulated her to do so, in 2014. (He pointed me to an F.B.I. report, detailing agents’ interviews with Giuffre from 2011, and said that it proved that she didn’t mention him. I obtained a copy; the majority of it is redacted, including a list of individuals Giuffre identified from photographs.) Giuffre says that she named



Dershowitz in 2009, to Katherine Ezell, the attorney in Miami. Ezell declined to comment, but in depositions from the time she questions witnesses about Dershowitz's visits to Epstein's house. Dershowitz says that Ezell's supervisor, Robert Josefsberg, assured him that no one had made any accusations against him in those years. But Josefsberg told me, "I have never told Alan Dershowitz—or anyone else—what this client or any other client has told me. He is wrong."

Dershowitz has also claimed that Boies must have known that his client was lying. He cites a telephone call, apparently recorded in secret, in which he and Boies discuss the possibility of settling the defamation suit. Dershowitz allowed me to listen to it, again refusing to let me make a copy. The recording has frequent stops and starts, and in many places is unintelligible. Dershowitz emphasizes a passage in which Boies imagines a conversation with Giuffre: "We know you believe that you had relations with Professor Dershowitz. . . . We have now reviewed the documentary evidence, and we are convinced that your belief is wrong." Boies told me that the conversation was hypothetical—a way of exploring how he might persuade an aggrieved client to accept a settlement, if Dershowitz could offer definitive proof. He also showed me an e-mail that he sent to associates afterward, speculating that Dershowitz had intended to gather evidence: "From the way he kept trying to put words in my mouth, I suspected he was taping the call."

This March, Dershowitz sent Giuffre and Boies a message on Twitter, seemingly trying to provoke a confrontation. "I challenge my accusers to tweet a direct accusation against me so I can sue them for defamation," he wrote. "They won't because they know they made up the story for money." Dershowitz argued that, by not making allegations in public, Giuffre and Boies were taking advantage of a legal principle known as the litigation privilege, which forbids defamation suits based on court testimony. Journalists, however, are permitted to report on that testimony—which can provide a canny lawyer with a safe way to release contested information to the public.

By the time Giuffre made her allegations about Dershowitz, she could no longer sue him for having abused her as a minor; the statute of limitations had expired. Dershowitz once offered during an interview to waive any statute that prevented Giuffre's claims from being tested in court—but when her lawyers asked him to waive it to allow a civil suit, he refused. The only way for Giuffre to test her allegations in court was in a defamation suit.

In 2015, when Giuffre's allegations against Ghislaine Maxwell and Epstein became public, Maxwell called them "obvious lies." In September, Boies and McCawley filed a defamation suit against Maxwell on Giuffre's behalf, in the Southern District of New York. The judge, Robert Sweet, suggested that the scope of the case extended beyond Giuffre's claims about Epstein and Maxwell; it dealt, he wrote, with "a range of allegations of sexual acts involving plaintiff and non-parties to this litigation, some famous, some not." Maxwell settled just before a trial was to begin, in May, 2017. The amount was undisclosed, but Giuffre reportedly received a multimillion-dollar settlement.

The allegations in the Maxwell case did not leak to the press; Judge Sweet sealed all the documents. Among them was a sworn affidavit filed by a British-South African woman named Sarah Ransome, who joined the case as Jane Doe 43, and was represented, pro bono, by Boies and McCawley.

I recently spoke with Ransome, who is now thirty-four. She is voluble—"I'm South African, I'm not a wallflower"—but, she says, still deeply affected by her experience with Epstein. "The trauma I have gone through in the last ten years I wouldn't even wish on Jeffrey and Ghislaine," she said.

Ransome was introduced to Epstein in September, 2006, when she was twenty-two. She had gone through a painful breakup, and had dropped out of college in Edinburgh, because she couldn't afford the tuition. She decided to spend most of her remaining money on a flight to New York. "At twenty-two, you're so naïve," she said. "But I was in New York to make friends, to get over heartbreak, to try to get an education. You know, it's the land of dreams." Soon after she arrived, a new friend introduced her to Epstein, describing him as a philanthropist who used his wealth and his connections to help poor young women—if they gave him massages.

As the massages turned sexual, Ransome said, she was given the use of a huge apartment in Epstein's building on the Upper East Side, along with a cell phone, a car-service account, and money for living expenses. Ransome said that she dreamed of studying at the Fashion Institute of Technology, and that Epstein and Maxwell promised to arrange her admission. For Ransome, as for the other women, these benefits depended on her having sex with Epstein and with his friends. In her affidavit, she named Dershowitz as one of those friends.



Ransome was another imperfect witness. In the fall of 2016, she had suggested to the New York *Post* that she had sex tapes of half a dozen prominent people, including Bill Clinton and Donald Trump—but couldn't provide the tapes when asked. (Ransome told me that she had invented the tapes to draw attention to Epstein's behavior, and to make him believe that she had "evidence that would come out if he harmed me.") In 2017, Boies represented Ransome in a lawsuit against Epstein for sex trafficking; last December, Epstein paid an undisclosed sum to settle. In a hearing, Maxwell's lawyer mentioned Ransome's allegation about Dershowitz, and the comment leaked to the press. Protected by the litigation privilege, it was reported in the *Daily News*, under the headline "SECOND WOMAN CLAIMS BILLIONAIRE PERV JEFFREY EPSTEIN 'DIRECTED' HER TO HAVE SEX WITH ALAN DERSHOWITZ."

Dershowitz denied that he had ever met Ransome. "The villain here is David Boies, who is exploiting a crazy woman in order to get revenge against me," he told the *Daily News*. He explained to me that he had filed charges against Boies and McCawley with the bar associations of New York, Florida, and Washington, D.C., registering a range of complaints. In them, Dershowitz again accused Boies and his associates of plotting extortion and encouraging perjury. He also argued that, in early 2015, a partner in Boies's firm had discussed representing him and had accepted a document outlining his strategy—even though the firm was already representing Giuffre. (Boies denied any impropriety, noting that the firm had more than three hundred lawyers and that his representation of Giuffre was closely held at the time.)

Dershowitz claimed that Boies had advanced Ransome's case in order to force him to abandon his complaints. "He threatened me that unless I withdrew the bar charges he would find somebody else to accuse me," he said. But Boies had agreed to represent Ransome in January, 2017, seven months before Dershowitz filed the charges. In any case, the judgments in all the bar complaints went against Dershowitz. In New York, the Grievance Committee for the Ninth Judicial District informed Boies's firm that "the Committee determined that there was no breach of the Rules of Professional Conduct on your part. Accordingly, the complaint was dismissed."

**O**n July 6th, Epstein landed his private jet at Teterboro Airport, in New Jersey, returning from a trip to France. When he emerged from the plane, law-enforcement agents were waiting. He was taken into federal custody—part of an effort, led by the Southern District of New York, to revive his prosecution, based on new

charges. That day, investigators broke open the door of his mansion on East Seventy-first Street and searched the interior. In a safe, they discovered a trove of pictures of naked young women. There were also piles of cash and an expired passport that contained Epstein's photograph alongside an assumed name, with the country of residency listed as Saudi Arabia.

As reports of Epstein's arrest spread, more than a dozen women came forward to say that he had abused them, too. There was new scrutiny of the non-prosecution agreement, which Alexander Acosta had granted in 2008. Amid public outrage, Acosta resigned as Secretary of Labor. Speaking in his own defense, he argued that the agreement had been more stringent than what Barry Krischer, the state's attorney, had recommended.

This was a backhanded tribute to Dershowitz and Epstein's other defenders: without their legal efforts, Krischer would probably have recommended more significant charges. But Dershowitz was distancing himself from the case. In March, when reporters outside a court hearing asked him if he was still in touch with Epstein, he'd said, "You never stop being someone's lawyer. I'll always take his call." Now he told NPR, "I have no relationship with him."

On April 16th, Giuffre sued Dershowitz for defamation. Dershowitz said that he was eager for the fight, telling the *Daily News*, "This is the opportunity I've been looking for." In June, however, he filed a motion to dismiss Giuffre's complaint, along with a motion to disqualify Boies's firm from representing her. In mid-July, he went on Laura Ingraham's show, on Fox News, to assail Boies. "I have had sex with one woman"—his wife—"since the day I met Jeffrey Epstein. I challenged David Boies to say under oath that he's only had sex with one woman during that same period of time," Dershowitz said. "He has an abnormal amount of chutzpah to attack me and challenge my perfect, perfect sex life during the relevant period of time."

Dershowitz told me, "I have to be able to continue to defend myself in the court of public opinion. I need to be able to defend myself on television, to publicly declare the truth." But some media outlets no longer welcomed him. On "The View," the co-host Meghan McCain said, "I also don't think people like Alan Dershowitz should be on TV right now, while they're being accused of being involved. A lot of people have a lot to answer for."

Dershowitz responded with a column on Newsmax: “In 2008, according to the New York *Times*, Meghan McCain’s own father—the late great Senator John McCain—was accused of sexual misconduct for an alleged relationship with a lobbyist 30 years his junior. I do not recall Meghan McCain calling for her father to be barred from television.” In fact, the *Times* had reported no accusation of sexual misconduct—just McCain aides’ unconfirmed speculation about an affair. During the spring and summer, as Dershowitz pressed his position, even some old allies were taken aback by his rhetoric. At one point, Epstein reacted to his statements in the news by e-mailing a friend, “Dershowitz is out of his mind.”

If the case goes to court, it may reveal substantial new information. Both Dershowitz and Giuffre will be able to subpoena witnesses; they will also face cross-examination. Both sides have petitioned to unseal documents from Ghislaine Maxwell’s defamation suit, including Giuffre’s manuscript and Ransome’s e-mails to the *Post*. When I asked Giuffre about returning to court, she sounded almost relieved. “He’s been challenging me for years—‘Come say it in public, come say it in public.’ And I said, ‘You know what? Challenge accepted,’ ” she said. “I know he’s going to put up a good fight. But, at the end of it, I know we’re gonna win. We’ve got the truth on our side.” Dershowitz was equally assured. “I will proclaim my absolute innocence until the day I die,” he told me. “I have asked the F.B.I. to attend the trial, because it’s a hundred per cent certain that perjury will be committed.” He went on, “This will be the central part of my defense—that this was a frameup against me. I’m actually writing a book, ‘Suitable for Framing.’ ” ♦

This article has been updated to better reflect the circumstances under which Sue Barlach died.

*Published in the print edition of the August 5 & 12, 2019, issue, with the headline “Devil’s Advocate.”*

*Connie Bruck has been a staff writer at The New Yorker since 1989. She has published three books, including “The Predators’ Ball.” [Read more »](#)*

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*John Lithgow Reads “Acosta Agonistes”*

*The actor presents a prescient poem from his upcoming book, “Dumpty: The Age of Trump in Verse.”*

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### FEUDING TITANS

# Alan Dershowitz Gets Rival Lawyer Booted From Epstein Victim's Case

A judge denied the Harvard lawyer's attempt to dismiss a case brought by an Epstein victim against him, but ruled that his nemesis David Boies could no longer represent the woman.

Kate Briquetelet Updated 10.16.19 5:28PM ET  
Senior Reporter Published 10.16.19 2:34PM ET



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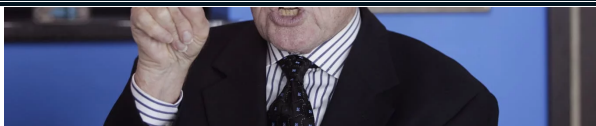
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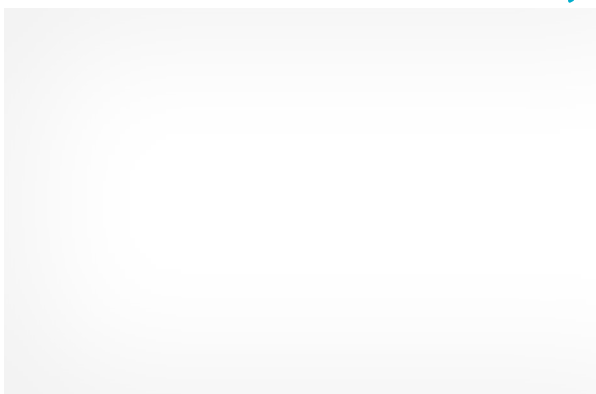
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Alan Dershowitz may have lost his battle to dismiss a defamation lawsuit brought by Virginia Roberts Giuffre—who claims [Jeffrey Epstein](#) kept her as his “sex slave” and forced her to have sex with Dershowitz.

But the Harvard Law professor scored his own victory: persuading a federal judge to disqualify Giuffre’s attorney, David Boies, and his firm, from her case.

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In an opinion filed Wednesday, U.S. District Judge Loretta Preska said she would deny Dershowitz’s motion to dismiss the case—Dershowitz claims Giuffre is

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a blow to Boies, who's

sparred with Dershowitz for


decades, and Sigrid

McCawley, a partner at the firm who represents multiple victims of Epstein.

In a statement, McCawley said her firm would appeal Preska's decision to remove them from Giuffre's litigation in Manhattan federal court.

"Today's decision rejects Alan Dershowitz's chronic capacity to make this case about anything but the facts and what he has been accused of by our client, Virginia Giuffre. The defamation case against Alan Dershowitz is going forward and he will have to face justice," McCawley, a partner at Boies Schiller Flexner LLP, said in a statement.

"The decision, however, to disqualify our firm, which has had the privilege of representing Virginia and advocating for her brave voice and continued call for justice, is deeply disappointing and it will be



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## Epstein Accuser Names Powerful Men in Alleged Sex Ring



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Justin Miller,  
Pilar Melendez,  
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The order comes almost a month after Giuffre's and Dershowitz's legal teams faced off during oral arguments, after which Dershowitz held a press conference and accused Giuffre and her advocates of doing "a terrible disservice" to the #MeToo movement.

Boies and his firm have represented Giuffre for years, including in a separate

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providing a deeper look into the sexual abuse allegations against Epstein and his powerful friends.)

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Dershowitz, 81, argued the 78-year-old Boies should be booted from his case based on a conflict of interest: He was briefly a client of Boies' firm and says he provided an attorney with confidential information related to his fight against Giuffre's accusations. The professor also argued Boies and his firm's attorneys would be called as witnesses in Giuffre's case.

The latter argument was more significant, according to Preska's order, which noted, "Because disqualification is so clearly required under the advocate-witness rule, the

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attorney cannot represent a party where the attorney will be called as a witness. “The rule differentiates between an attorney who will be called on behalf of his client and an attorney who will be called as a witness other than on behalf of his client,” Preska wrote in her order.

“A lawyer may also not act as an advocate where ‘another lawyer in the lawyer’s firm is likely to be called as a witness on a significant issue other than on behalf of the client, and it is apparent that the testimony may be prejudicial to the client,’” Preska added.

***“Dershowitz  
went looking  
for trouble,  
and by his  
repeated  
affirmative  
republications,***

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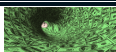
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In her complaint, Giuffre said Dershowitz's statements that she conspired with her lawyers to extort him and Epstein's associate and client Les Wexner are false. She also referenced a secretly-recorded phone call between Dershowitz and Boies; Dershowitz says Boies declared on the call that Giuffre was "simply wrong" in her accusation, while Giuffre has said Boies' assertions were taken "out of context."

"By so pleading, Giuffre made the truth of these statements ... a necessary—indeed essential—part of the Complaint," Preska ruled.

"Dershowitz's allegation of an extortion conspiracy is no mere throwaway line," the judge added of Giuffre's

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that Giuffre committed

perjury and that she and her attorneys ‘hatched a scheme to falsely accuse Dershowitz of sex trafficking as part of a criminal attempt to extort a settlement from another party.’”

Giuffre must prove at trial that Boies Schiller Flexner (BSF) lawyers didn’t participate in the extortion scheme Dershowitz has alleged.

“Either way, BSF is immersed in the facts it pled,” Preska stated.

“Again it is essential to follow the litigation jujitsu at work here,” the judge continued.

“Giuffre says Dershowitz defamed her by falsely saying she and BSF engaged in an extortion scheme; Dershowitz says he said it and it is true. Giuffre’s burden is to prove it is false in the face of Dershowitz’s vehement claim that it is true.”

According to Preska’s order, new counsel for Giuffre and Dershowitz’s legal team must

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on Wednesday following the ruling: "I am grateful for the Court's decision to deny Alan Dershowitz's shameful attempt to dismiss my defamation case against him. I will no longer be silenced. I will no longer be shamed. I will see Alan Dershowitz in a court of law," she said.

"But I am dismayed by the Court's decision in this case to deprive me of my counsel. For over five years, my lawyers at Boies Schiller Flexner have worked tirelessly to bring Jeffrey Epstein and his co-conspirators to justice. When it was not in vogue and not a breaking news story, my lawyers Sigrid McCawley and David Boies stood up to the muscle of the Epstein machine and its grip on the legal system. It is no surprise that Alan Dershowitz, who was part of Epstein's ecosystem of power and privilege, is attempting to manipulate the legal system in the face of the serious charges I have brought

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Dershowitz's attorney, Imran H. Ansari, said the academic is "pleased" with Preska's decision to remove Boies from the case.

"Disqualification is clearly required by the advocate-witness rule and by the very allegations made by the Plaintiff in her own Complaint," Ansari said in a statement. "Professor Dershowitz will call David Boies and his colleagues at trial to prove that their client—in Boies' own words—is 'wrong... simply wrong' in accusing him. Any appeal taken of Judge Preska's decision regarding disqualification will be met with stiff opposition by Professor Dershowitz."

Meanwhile, Dershowitz argued Giuffre's complaint should be dismissed because the statements he made in 2018 and 2019—calling her a "total liar" who fabricated allegations against him for money—are "substantially identical" to statements he made in 2015 and therefore

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Dershowitz “admits he took affirmative steps to republish his prior statements to defend himself and his reputation by influencing new audiences or re-influencing old audiences.”

“Said differently, Dershowitz went looking for trouble, and by his repeated affirmative republications, he found it.”

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***Trump and  
‘Apprentice’ Creator  
Mark Burnett Are  
Discussing Their  
Next TV Show***

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**Lachlan Cartwright** Senior Reporter

Updated 11.07.19 8:04AM ET

Published 11.07.19 5:03AM ET



He's signed a massive tax cut into law, stacked the federal courts, waged a trade war against China, and eliminated the leader of ISIS—and yet, Donald Trump still longs for his job as a reality-TV host.

Since taking office in early 2017, the president has confided to close associates that he misses hosting *The Apprentice* and *The Celebrity Apprentice* on NBC, the reality-TV staples he left behind to become the Republican Party standard-bearer and then the leader of the free world. Trump has waxed nostalgic about how he created what he sees as the greatest thing reality television has ever seen. Two sources who've spoken to him recall Trump saying that he will perhaps one day revisit the medium.

And it may not just be fits of

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close to Trump, *Apprentice* creator Mark Burnett and the president have sporadically kept in touch, mostly over the phone, since Trump won the election. The pair remain friends, these sources say, and have discussed reviving their creative partnership, pitching each other details on potential TV projects to be filmed after the Trump presidency.

One of the ideas kicked around by Burnett and the president was shooting a new version of the Trump-branded *Apprentice*, tentatively titled *The Apprentice: White House*, and to produce it shortly after the president leaves office. This time, however, the TV program would be explicitly politics-themed and take full advantage of Trump's status as a former president of the United States and a newfound Republican kingmaker.

"There have been several discussions between Burnett and Trump about *The*

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Burnett thinks could be a money-spinner and Trump is very keen on doing.”

Another one of the knowledgeable sources said, “They actually talked about an *Apprentice: White House*,” but conceded that “as far as I know, the discussion did not go far.”



The relationship between Burnett and Trump has been an object of immense speculation and fascination since the former began his political rise.

Their work together hit its peak in the early and mid-Aughts. And they grew so close that Burnett’s son Cameron was the ring-bearer at Trump’s 2005 wedding to Melania. During the campaign, Burnett faced intense pressure to release unaired footage of *Apprentice* tapings after it became clear that the behind-the-scenes drama showed Trump in a highly unfavorable light. The future

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*Celebrity Apprentice*, and  
mocked actress Marlee  
Matlin as “retarded” simply  
because she was deaf.

Burnett declined to make any  
footage public or to let  
former contestants out of  
their nondisclosure  
agreements. But shortly  
before Trump was elected  
president, he did go out of his  
way to denounce the “hatred,  
division, and misogyny that  
has been a very unfortunate  
part of his campaign.” The  
statement came in the midst  
of a flood of sexual-  
misconduct and assault  
allegations that were publicly  
made against Trump shortly  
after the October 2016  
publication of the infamous  
“grab ’em by the pussy” tape.

After Trump won the  
election, however, Burnett  
was ready to put all that  
bigotry and sexism behind  
him. He buddied back up to  
Trump and even played a role  
in the inauguration, trying—  
largely unsuccessfully—to  
recruit musicians to perform

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relationship to the president.

“Mark would say ‘My relationship with the president is incredibly strong. I’m the most powerful person in Hollywood because of it. I could wipe the floor because of it.’ Mark has no shame.”

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A spokesperson for Burnett told The Daily Beast: “The quoted statements attributed to Mr. Burnett are absolutely false. Among other things, The president and Mr. Burnett have not discussed making television shows in any shape or form.”

White House spokespeople did not provide comment for this report.

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Schwarzenegger, was produced by NBC and Burnett, though that incarnation went bust after one season. In early 2017, Schwarzenegger announced he would be leaving the show, and blamed its failure on Trump's divisiveness, to which the president, naturally, took umbrage.

"Arnold Schwarzenegger isn't voluntarily leaving the Apprentice, he was fired by his bad (pathetic) ratings, not by me. Sad end to [a] great show," Trump tweeted.

It wasn't a one-off. Well into the third year of his presidency, Trump continued to wield *The Apprentice* and *The Celebrity Apprentice* not only as a source of pride, but also as a cudgel against political enemies, media foes, and Hollywood antagonists.



Donald J. Trump  
@realDonaldTrump

So funny to watch Little Donny Deutsch on TV with his own failing show. When I did The

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though he (& Erin) had very little..

♡ 82.6K 4:33 PM - Aug 11, 2019 ⓘ

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And, through it all, he has touted his relationship with Burnett. At a rally last year in Richfield, Ohio, he told the crowd, “I got a call from Mark Burnett! He did *The Apprentice*, he’s a great guy. He said, ‘Donald, I called just to say hello and to tell you, did you see Roseanne’s ratings?’ “I said, ‘Mark, how big were they?’ ‘They were unbelievable! Over 18 million people!’”



Donald J. Trump @realDonaldTrump

To all my fans, sorry I couldn’t do The Apprentice any longer—but equal time (presidential run) prohibits me from doing so. Love!

♡ 3,296 11:39 AM - Sep 14, 2015 ⓘ

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while a contestant on

*Survivor* and the first hit season of *The Apprentice*, and went on to become a senior official in the Trump administration, told The Daily Beast that Trump and Burnett were extremely close.

“The last time I was in a room with Trump and Mark Burnett was at the prayer breakfast right after he got elected,” Manigault Newman said. “In the green room, we all laughed about the *Apprentice* days and how we’ve come from there. Trump and Burnett were truly the best of buds.”

Newman has since had a falling out with the president, to whom she once pledged her undying fealty and now bashes as a mentally unstable racist. And when told of the concept of *The Apprentice: White House*, she called the idea “so absurd.”

“It’s already a reality show,” she said.

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tal-etched, however. He almost didn't become president, after all, because he loved that world so much.

As early as 2013, back when "President Trump" was little more than an old, throw-away *Simpsons* joke, he had reservations about entering politics because of the sacrifices he'd have to make.

"[Trump] talked about whether if he ran for [New York] governor, or if he ran for president, if he had to quit the show because he really liked it," said Michael Caputo, a former Trump adviser and then 2016 aide, recalling conversations they had when Caputo was advising him in 2013 and 2014. "That consideration came up multiple times. It appeared to be a pretty profitable business deal for him and he didn't want to give that up."

Caputo also recounted a specific moment in May 2016, when Trump invited conservative-media figures

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campaign office in Trump

Tower was on the [former] soundstage of *The Apprentice* down on the fifth floor... The bathrooms they built on the fifth floor to service the crew of *The Apprentice* were the same bathrooms we used [for 2016 staff],” Caputo said.

“When [Trump] came in and did a taping of *Hannity* in the campaign office, *Hannity* was there and Matt Drudge, separately, was there, and he mentioned that this was actually the *Apprentice* set.”

Sam Nunberg, another former political adviser to Trump, recalled his former boss appearing noticeably crestfallen at the thought of losing *The Apprentice* to the campaign trail.

“The day that NBC announced that Donald Trump would no longer be able to host *The Apprentice* in 2015 was one of the very few times I’ve ever seen the [then-future] president visibly upset in immediate reaction to news,” Nunberg said.

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ironywood, politicians, network executives, network hosts—would call his office in Trump Tower, he would often let people sit there and listen as he talked to them; occasionally, he would put them on speakerphone. But when Mark Burnett called, which was frequent [between 2013 and 2015], Trump would politely tell everyone else to ‘get out’ of his office.”

Ironically, one of President Trump’s central gripes in recent months regarding his predecessor, Barack Obama, is the imagined corruption that the former president engaged in by securing a major entertainment and production deal with Netflix in his post-presidency life.

But if Trump’s conversations with Burnett are of any indication, it appears that the sitting president is yearning for his own version of “Obama Netflix.” And according to those who know Burnett, the reality-TV kingpin is similarly champing at the bit.

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Chairman of MGM

Worldwide Television Group,  
says Burnett would be  
motivated by only one thing  
in continuing his working  
relationship with Trump.

“Mark has one religion and  
that’s money,” the person  
said.



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# Why Is David Boies Bothering to Sue Alan Dershowitz?

Frankly, I thought I was done with my Dershowitz tour. Boy, was I wrong.

By **Vivia Chen** (https://www.law.com/americanlawyer/author/profile/Vivia-Chen/) | July 31, 2019 at 03:14 PM

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David Boies, left, and Alan Dershowitz.

I think I speak for many people when I say that I have Dershowitz fatigue.

Even my teenage daughter has had enough. When I told her I was working on another column involving the Harvard Law prof, she rolled her eyes and said, "Oh, no! Dershowitz again?"

Alan Dershowitz is ubiquitous. You can't turn on the TV without seeing him in the curious role of Trump defender. Now, with the Jeffrey Epstein case reigniting, Dershowitz is himself a news item, causing us to reexamine his role as the

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**Boies Schiller Flexner** (/search/?q=Boies+Schiller+Flexner&Submi

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THE AMERICAN LAWYER  
(/AMERICANLAWYER/)

- 3 **Cuomo Appoints 5 New Justices to NY Appellate Division Departments** (newyorklawjournal/2019/appoints-5-new-justices-to-appellate-division-departments/)



billionaire's lawyer and rehash the sexual abuse allegations he still faces (two of Epstein's sex trafficking victims claimed he had sex with them).

In defense, Dershowitz has spilled [details of his personal life](http://nymag.com/intelligencer/2019/07/alan-dershowitz-jeffrey-epstein-case.html) (<http://nymag.com/intelligencer/2019/07/alan-dershowitz-jeffrey-epstein-case.html>)—like his claim to a “perfect sex life” (to show that he had no reason to stray), his penchant for wearing underwear during massages (to show that he couldn't have engaged in sex with Epstein's victims), and his occasional skinny-dipping in the waters of Martha's Vineyard (not sure what that's supposed to show).

Now, everyone is delving into Dershowitz's psyche. The New Yorker just published an [exhaustive 35-page analysis/profile](https://www.newyorker.com/magazine/2019/08/05/alan-dershowitz-devils-advocate) (<https://www.newyorker.com/magazine/2019/08/05/alan-dershowitz-devils-advocate>) of the professor by Connie Bruck that entailed a year's worth of investigation. (Hey, most journalists are lucky to get 24 hours to report and write a story.)

So here I am, too—back in Dershland! But no worries—my focus is narrow.

Frankly, I thought I was done with my Dershowitz tour of duty. (I wrote a [bunch of stories](https://thecareerist.typepad.com/thecareerist/2016/04/alan-dershowitz-on-the-record.html) (<https://thecareerist.typepad.com/thecareerist/2016/04/alan-dershowitz-on-the-record.html>) about him, starting in 2015, when Epstein victim Virginia Roberts Giuffre alleged that he had sex with her.) After Dershowitz sued Giuffre's original lawyers for defamation, then settled, I thought the Epstein story and Dershowitz would both lose steam.

Boy, was I wrong.

So let me pick up where I left off in 2016: the brewing animosity between Dershowitz and David Boies. As I remember it, during one of our interviews, [Dershowitz took umbrage that Boies](https://www.law.com/almID/1202724439959/Boies-Takes-on-Dershowitz-in-Sex-Case/?mcode=1202615731542&curindex=0&/) (<https://www.law.com/almID/1202724439959/Boies-Takes-on-Dershowitz-in-Sex-Case/?mcode=1202615731542&curindex=0&/>), whom he regarded as a peer, would take on the representation of Giuffre, whom he deemed a liar.

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I always thought Boies was the cool cucumber next to the peppery Dershowitz. My sense was that Boies would ignore Dershowitz and wait for him to self-explode.

Well, Boies must be getting impatient. In April, Boies Schiller Flexner sued Dershowitz for defamation on behalf of Giuffre (he's called her a [serial liar, extortionist, prostitute](#)

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- 4 [Trump Nominates 2 for Southern District of NY Judgeships, Seeks to Elevate Ala. Judge to 11th Circuit](#) ([/newyorklawjournal/2019/nominates-2-for-southern-district-of-ny-judgeships-seeks-to-elevate-ala-judge-11th-circuit/](#))

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- 5 [Appellate Attorneys Shocked at Justice's Alzheimer's Diagnosis, Resignation](#) ([/texaslawyer/2019/11/06/appellate-attorneys-shocked-at-justice-alzheimers-diagnosis-resignation/](#))

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<https://www.newyorker.com/magazine/2019/08/05/alan-dershowitz-devils-advocate>)—to name a few epithets, according to The New Yorker and other outlets). One line in the complaint sums it up: “Mr. Dershowitz now has what he claims to have been looking for.”

Boies is essentially calling his bluff. “When we filed, Dershowitz said, ‘Oh, great, give me chance to prove my innocence,’” Boies told me during a lengthy phone call. “And now he’s doing everything to stop it,” citing Dershowitz’s motion to dismiss the case.

In an email response, Dershowitz wrote, “We’re not stalling. We have filed every document in a timely manner. I need to preserve my First Amendment rights to continue to truthfully assert my innocence. Hence my motion to dismiss. I want all the facts to come out. That’s why I have been aggressively seeking to unseal everything.”

That strikes me as a throw-everything-in-the-kitchen-sink type of response. Whatever.

I’m more intrigued by this question: What’s driving Boies to sue Dershowitz for defamation at this stage? As far back as I can remember, Dershowitz has been trashing Giuffre .

“He really gave us no choice,” explained Boies. “We avoided bringing this for more than four years. I would have been happy not to hear from Alan Dershowitz in this context again. But the problem is that he believes that if he quacks loudly enough and outrageously enough, people will focus on what he’s saying and not the underlying conduct.”

Sure, Dershowitz pushes people’s buttons, but isn’t Boies playing into his hands by giving him the limelight he seems to crave?

“No,” said Boies. “Because he was just as loud and accusatory before. He made statements in the past, and we didn’t sue him, then he made more outrageous statements. He publicly said that Virginia was guilty of extortion and perjury and challenged her to sue for defamation.” He added, “He’s desperate to detract attention from the underlying accusation. People who have good defenses present those defenses. Those who don’t engage in ad hominem attacks.”

Boies suggested that it’s time to draw a line in the sand: “He’s attacked everyone who’s tried to help victims—Paul Cassell and Brad Edwards [Giuffre’s original lawyers], detectives and state law enforcement people.”

And, of course, Dershowitz has not spared Boies, calling him an “extortionist” and “ethically challenged,” according to the New Yorker article. So why not just sue Dershowitz directly, I asked?

“It’s crossed my mind, but I don’t think most people take what he says seriously,” answered Boies. He drew a distinction between his position as public figure and that of someone like Giuffre. “I have access to media, and I can fight it out in public. It’s different for people who don’t have that access. The hurdle for me is different than a victim of sex trafficking, who has to deal with families and neighbors hearing those attacks.”

So is Boies saying he’d never, ever sue Dershowitz?

"I've given serious thought to fight the extortion allegation," said Boies, alluding to Dershowitz's claim that Boies is going after him in order to get money from a much bigger fish: billionaire Leslie Wexner, who was instrumental in building Epstein's wealth. **Dershowitz's theory of being used as a "stalking horse"** (<http://nymag.com/intelligencer/2019/07/alan-dershowitz-jeffrey-epstein-case.html>) in this context is convoluted, though New York Magazine takes a good stab at explaining it.

Boies added: "I'm probably not suing him, but I'm not ruling anything out with that guy."

So is Dershowitz worried that Boies could come after him? In an email, he responded: "Truth is an absolute defense."

I've never known the Harvard professor to give such a brief answer, but I assume he's got his hands full after that scathing New Yorker piece.

Anyway, with the resources of a big firm like Boies Schiller bearing down on him, I asked Dershowitz whether he'd consider settling, or if he's damned determine to get his day in court.

"I will settle only if Roberts admits she never had sex with me," wrote Dershowitz in an email response.

As for rumors that his insurance is running out to cover these claims, especially after the **payout he reportedly made to Giuffre's lawyers** (<https://thecareerist.typepad.com/thecareerist/2016/04/dershowitz-settles-case-involving-allegations-of-sex-with-minor.html>) Cassell and Edwards in the defamation settlement, Dershowitz offered this: "Boies has told people that if he can't beat me in court, he can at least bankrupt me. He won't do either. "

Perhaps not. Yet, you have to wonder where Dershowitz is going with all this. But let me stop here before I add to the pile of analysis, parsing and speculation about what's triggering our favorite Harvard professor.

In the meantime, I'm going to assume my coverage of Dershowitz and Boies ain't finished. Not by a long shot.

*Related post:* **David Boies Is Not Finished with Jeffrey Epstein** (<https://www.law.com/2019/07/26/david-boies-is-not-finished-with-jeffrey-epstein/>).

Contact Vivia Chen at [vchen@alm.com](mailto:vchen@alm.com). On Twitter: [@law\\_careerist](https://twitter.com/law_careerist).


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## Vivia Chen

Vivia Chen is a senior columnist at The American Lawyer and the creator of The Careerist blog.

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| NOVEMBER 04, 2019

There are some bright spots—sort of—in the report, now in its fifth year. But mostly, it's a big downer.

### **Women Are Like Pancakes** **(https://www.law.com/americanlawyer/2019/10/28/women-are-like-pancakes/)**

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| OCTOBER 28, 2019

A seminar at accounting firm EY, which has received much bad press, draws curious distinctions between men and women.

### **How Fashionable Is Your Firm's Diversity Program?** **(https://www.law.com/americanlawyer/2019/11/01/how-fashionable-is-your-firms-diversity-program/)**

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# **Exhibit M**

# Intelligencer



**JEFFREY EPSTEIN CASE** | JULY 19, 2019

## Alan Dershowitz Cannot Stop Talking Accused of a slew of terrible things, the defense has no intention of resting.

*By Andrew Rice*



Alan Dershowitz with Jeffrey Epstein at Harvard in 2004. Photo: Rick Friedman/Polaris

ne morning in July, days after his onetime client Jeffrey Epstein was arrested on sex-trafficking charges, the famed attorney Alan Dershowitz was reminiscing as he drove the



**O**winding roads of Martha's Vineyard. "I first came here to defend Ted Kennedy," he said. "I got a call: 'The senator has driven off a bridge.'" A woman drowned; the powerful man escaped serious consequences. Dershowitz liked the island and has been coming back for 50 years. He turned his old Volvo station wagon onto an unpaved road leading into the woods, and brought the conversation to his personal crisis. Of all of the many men on the long list of socialites, billionaires, and politicians associated with Epstein, the shadowy financier with a predilection for underage girls, perhaps no name had been tarnished as seriously as Dershowitz's. As Epstein's lawyer, he had helped him to thwart prosecutors; as his houseguest, he was accused of enthusiastically joining in Epstein's alleged sexual abuse.

"It's a horrible thing to be accused like this," Dershowitz said as the gravel crunched beneath his tires. In the proceedings of a federal civil lawsuit brought by two women, Dershowitz has called the allegations "vicious lies." In combative media appearances, he has alleged he was the target of a complex extortion plot, coordinated by the lawyer of his accusers, the equally renowned attorney David Boies. "I know the truth," Dershowitz told me. "I know that I am a victim of a serious crime, a crime of perjury." For years, the legal saga had been mostly ignored outside the tabloids. Then Epstein's shocking arrest jolted it to life. Now, Dershowitz was howling into a whirlwind, trying to prove to the world that he hadn't done the indefensible.

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Dershowitz led me into his summer house, which is crowded with art — vintage political posters in the stairwell, Roy Lichtenstein over the couch — and mementos of his life in the courtroom and at Harvard University, where he was a professor at the Law School until he retired a few years ago. In the sunny dining room, which looked out on the pool, a large stack of spreadsheets was waiting on the table. They were a detailed breakdown, Dershowitz said, of

his whereabouts and activities during the years his primary accuser, a former member of Epstein's entourage named Virginia Giuffre, says that Dershowitz had sex with her when she was a teenager in New York, Palm Beach, and other locales. "Every single one of those days is accounted for," he said. On August 1, 1999, for instance, the spreadsheets say he stayed on the Vineyard and had a meeting with a certain "Prince Bandar." (Dershowitz later clarified it wasn't the famous Saudi prince.)

After a few minutes, Dershowitz's wife, Carolyn Cohen, a neuropsychologist, and his grown son, Elon, a film producer, joined us at the table. For the next few hours, Dershowitz presented his defense, with Cohen acting as his co-counsel, handing him papers. "I want to be as much a part of it as I can be," Cohen said, "because first of all, it makes me feel less helpless. I think it's so outrageous." From time to time, Dershowitz would step out of the room to call his lawyer. He told me that the next day he was scheduled to have a long phone call with the *New Yorker* writer Connie Bruck, who was nearing the end of a yearlong investigative profile. "The story is designed to destroy my career," Dershowitz said. It was quite possible, however, that the deed had already been done.

Dershowitz, now 80, is his generation's answer to Clarence Darrow, the legendary "Attorney for the Damned." He was nice to have on your side if you were innocent, but his real specialty was representing the despicably guilty. During his heyday, which coincided with the golden era of the celebrity lawyer, he was a recognizable face — bookish glasses, mustache, big red bushy hair — in the middle of countless front-page crimes stories. He represented the junk-bond king Michael Milken, the biggest crook on Wall Street in the 1980s. He was part of the "dream team" of attorneys that defended O.J. Simpson. When I visited his downstairs bathroom, I noticed it was decorated with cheeky photos: he and Leona Helmsley on the cover of this magazine; O.J. breaking free on the gridiron; the accused wife-poisoner Claus von Bülow, grinning in medieval-style stocks. (His victory in the von Bülow case was made into a film, *Reversal of Fortune*, which was co-produced by Elon.)

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Dershowitz no longer resembles the man he was when he was younger. The mustache is gone, his hair is now gray and close-cropped. Under personal attack, his trademark zeal has veered into something more uncontrolled — a feral defensiveness. A few days after our meeting, he would publish an online essay preemptively attacking Bruck's unpublished article and accusing *New Yorker* editor David Remnick of ordering up a "hit piece" aimed at "silencing my defense of President Trump, Prime Minister Netanyahu, and the State of Israel." (Remnick

declined to comment.) He has been perhaps inadvisably willing to talk, and talk, and talk, answering every request for comment (including mine). Dershowitz portrays the women accusing him as mere money-hungry instruments of his nefarious — male — enemies. It is not a strategy that makes him appear particularly sympathetic, and he knows that, but he really can't seem to help himself.

“The new standard is that sexual offenses are so heinous that even innocence is not a defense,” Dershowitz said. “I’m not supposed to say she’s lying because that’s a political sin. But there’s never been a case of greater proof of innocence.”

As for Boies, the supposed mastermind of his misery, Dershowitz is intent on fighting a reputational battle to the death. Last night, on Fox News, he accused his nemesis of having “an enormous amount of chutzpah to attack me and challenge my perfect, perfect sex life.” He declared his faithfulness to his wife, before proclaiming: “I challenge David Boies to say under oath he’s only had sex with one woman.” (Boies told me: “This is simply more evidence of how desperate Mr. Dershowitz is to distract attention from the evidence of his misconduct.”)







an office near the school, gave it millions, and hosted seminars that brought together academics from different disciplines.

“By the time I got to know him, I had already represented a lot of very, very wealthy people,” Dershowitz said. “I was much more interested in his quirky mind.”

“It turns out to be a lot quirrier than we thought,” Cohen added. She said she was less charmed when she met Epstein. “I just remember thinking he was very screwed up in his attitude about relationships,” she said. “This was a clinical-psychology analysis, that he was really immature, messed up, and I didn’t particularly like him.”

For around a decade, Dershowitz kept casual company with Epstein, who introduced him to his friends, like Ghislaine Maxwell, a British heiress who acted as his right hand, and Prince Andrew, whom Epstein called “Andy.” (Dershowitz said he and the prince didn’t end up getting along because they disagreed about Israel.) Dershowitz visited Epstein’s mansions in New York and Palm Beach and occasionally accompanied him on his private plane. Dershowitz says these trips were family-oriented. Once, Epstein lent him the Palm Beach home so he could

attend a granddaughter's soccer tournament. Another time, he and his nephew flew down to watch a space launch with another Epstein connection, a top NASA official. He and Cohen once stayed with Epstein on his island in the Caribbean, where they were joined by another Harvard professor and his family.

When Epstein first started to attract media attention around the year 2000, mainly because of his friendship with former president Bill Clinton, Dershowitz served as a character witness for the reclusive financier. He told *Vanity Fair* that he shared manuscripts of his books with Epstein before they were published and swore that his money was irrelevant. "I would be as interested in him as a friend if we had hamburgers on the boardwalk in Coney Island and talked about his ideas," he told the magazine. But Dershowitz says their interactions took a sharp turn in 2005, when Epstein faced a local police investigation into his relations with underage girls in Palm Beach and Epstein hired him as a lawyer. Today, Dershowitz claims they were never really friends despite their proximity.

"He was an acquaintance," he said. "In retrospect, I wish I hadn't taken the case, but I didn't see a problem with taking the case. We didn't have a close, personal relationship."

**T**he first phase of Epstein's legal troubles began when the parents of a 14-year-old girl reported to the Palm Beach police that she had been hired to give him a massage and was then molested. Over the next seven months, according to an investigative series in the *Miami Herald*, detectives identified 21 potential victims. By that time, Epstein had heard rumors about the investigation and had assembled a legal team, including Dershowitz. In a letter, Epstein's Palm Beach defense lawyer introduced Dershowitz to prosecutors as "a close friend of Mr. Epstein's."

Dershowitz now claims his involvement in the case was superficial. "Remember, I'm a legal-lawyer," he said, saying his role, as an eminent Harvard professor, was limited to providing "big picture" guidance. But the records of the Palm Beach investigation include a letter from Dershowitz that delves into the seamy details, describing the work of Epstein's private detectives, and questioning the character of one of his accusers. (It related that her social-media posts showed an "apparent fascination with marijuana.") "I'm not sure I've ever seen this letter," Dershowitz said when I showed it to him. He pointed out that it appeared to have been signed on his authorization by Epstein's local attorney.

While Dershowitz said that he "was occasionally presented with investigative reports," he contended that he was under the impression that his client's accusers were mainly adult

women. “He was facing charges for having had sexually oriented massages with mostly 18-year-olds and 19-year-olds, but, as he put it, some 17-year-olds ‘slipped through the cracks,’” Dershowitz said. “When I negotiated with the state attorney, the words 14, 15, 16 never came up.” This is hard to believe. When Epstein was indicted in 2006, the headline in the Fort Lauderdale *Sun-Sentinel* was: PALM BEACH RESIDENT FACES SOLICITATION CHARGE; BUSINESSMAN ACCUSED OF SEX WITH MINORS.

The state indictment, on just a single count, represented a victory for Epstein’s lawyers. The local police were furious, and they called on the FBI to get involved. To deal with the federal investigation, Epstein hired a bunch of Washington lawyers, including Kenneth Starr, to negotiate with President Bush’s appointees at the Justice Department. Dershowitz was a Democrat, but he remained involved and participated in at least one of the now-notorious meetings between Epstein’s legal team and Alex Acosta, who was then the U.S. Attorney for South Florida. “At that meeting, we had a big-picture negotiation, and I presented my legal theory, which I had worked out very carefully, that there was no federal nexus here,” Dershowitz said. Prosecutors would have to argue that Epstein’s sexual offenses had involved interstate activities. “I said, you’ll never prove that, that this was a state case at bottom, not a federal case,” he said. “It was a very academic presentation.”

Acosta ultimately approved a deal granting immunity from federal charges to Epstein, along with “any potential co-conspirators,” in return for his guilty plea to two felony prostitution charges in state court. Epstein served 13 months in the Palm Beach County jail, in a private wing where Dershowitz visited him on New Year’s Day 2009. The plea bargain was inexplicably lenient. “You can complain that maybe I did too good a job,” Dershowitz would later tell a television news reporter in Florida. “Hey, I’m pleading guilty.” But Acosta’s office failed to properly notify Epstein’s accusers about the terms, in apparent violation of the federal Crime Victims’ Rights Act. Years later, the Miami *Herald* articles about deal would lead to a public outcry, a renewed federal investigation in New York, and Acosta’s ouster from his job as secretary of Labor. But at the time, reaction was muted; few news outlets even covered the plea.

But one group of people were outraged, Epstein’s alleged victims, and that set off a third phase of litigation. The civil lawsuit *Jane Doe v. United States of America* was filed in 2008 in an effort to invalidate the federal non-prosecution agreement. For six years, though, the case seemed to be going nowhere. Dershowitz moved on to other controversies and published seven books. He says he had little further contact with Epstein, who returned to his mansions and his life as jet-setting libertine. Then, in December 2014, there was a shocking development in the *Jane Doe* lawsuit. Lawyers representing the alleged victims filed a motion



on behalf of an unnamed woman, who turned out to be Virginia Giuffre. She had previously claimed in an interview with the *Daily Mail* that she had been sexually involved with Epstein as a teenager, after being spotted by Maxwell at Mar-a-Lago, where she worked as a towel girl. Now, in an affidavit, she claimed she had been an underage “sex slave” to Epstein.

In their motion, the pair of attorneys behind the *Doe* case — a former prosecutor named Bradley Edwards and a retired federal judge, Paul Cassell — claimed that Epstein, for purposes of pleasure and blackmail, had also paid Giuffre to have sex with numerous high-profile individuals, including “prominent American politicians, powerful business executives, foreign presidents, a well-known prime minister and other world leaders.” Her affidavit named two of these “friends and acquaintances” of Epstein: Prince Andrew and Alan Dershowitz. Cassell and Edwards claimed that Dershowitz had a conflict of interest in negotiating a deal that involved immunity for co-conspirators, and it should therefore be invalidated. A judge would later deny the motion and order it stricken from the court record, finding the “lurid details” were “immaterial and impertinent” to the case. But by that time, largely because Prince Andrew was involved, the story was everywhere. (Buckingham Palace denies he committed any wrongdoing.)

“We thought it was comical in the beginning,” Cohen said. “Until we realized people were taking it seriously.” Dershowitz later came to believe that the affidavit was the bait in a carefully planned trap. And he thinks he knows who laid it: David Boies.

**I** first met Dershowitz last year, when I was working on a profile article about Boies, one of the few attorneys in America who can match his level of public prominence. Boies had had a long and illustrious career in the courtroom — he argued the antitrust case against Microsoft and Al Gore’s side of *Bush v. Gore* — and a history of taking on worthy causes, like gay marriage, but he was at the nadir of his own scandal over the revelation of his role in covering up the alleged abuses of his longtime client Harvey Weinstein. While he was down, Dershowitz was up, or at least on TV a lot, reveling in his contrarian position on the Russia investigation and visiting the White House to discuss legal strategy with Donald Trump. I knew that Boies and Dershowitz were embroiled in some weird litigation over the Epstein case. A feud between two of the most well-known names of a legal generation — at 78, Boies is two years younger — seemed like ripe material.

When I asked about Boies, Dershowitz invited me right over to his Manhattan apartment, where he described an improbable-sounding conspiracy with Boies at its center. “He’s not a

lawyer,” he said. “He’s an extortionist.” The story seemed contorted and impossible to confirm, and I didn’t write about it. But in recent months, Dershowitz has managed to thrust it into public view.

According to Dershowitz’s theory, Giuffre’s allegations were never meant to stand up in court. He argues he was merely a “stalking horse,” meant to provide an embarrassing example to another man: the billionaire Leslie Wexner, whom he had heard Giuffre had also accused. “The decision to name me publicly,” Dershowitz alleges in a recent court filing, “was calculated to send the following message to Wexner: If you don’t want to have happen to you what happened to Alan Dershowitz, you should settle the complaint against you, even though the statute of limitations has long expired.”

At least some portions of his theory have turned out to be true. Although Dershowitz didn’t come to know it until much later, Boies was involved in the Epstein litigation as early as June 2014, six months before Giuffre filed her affidavit in the *Doe* case. Giuffre’s lawyers asserted that Epstein “lent out” their client to his powerful friends, and they wanted to bring in a heavy hitter. Boies met with Giuffre that July, and decided to represent her for free, with an understanding that his firm might later receive a contingency fee in the event of a financial settlement. He claims, however, that he did not press her to name the other men she was accusing of abuse.

One of Giuffre’s lawyers, Stanley Pottinger, says in an affidavit, that that fall they developed information that Leslie Wexner “was alleged to have had sex with one or more of Mr. Epstein’s girls, including Ms. Giuffre.” He says he informed Boies to make sure this did not present a conflict for his law firm. Boies replied that he knew Wexner only socially, and said his firm would investigate. That December, one of his partners wrote a letter to Wexner, “regarding possible claims against him.” The same month, Giuffre’s other lawyers, down in Florida, publicly filed the affidavit naming Dershowitz.

“It’s exactly the same time,” Dershowitz said. “That cannot be a coincidence.”

The allegations against Wexner were handled more discreetly than those about Dershowitz. Boies had three conversations with Wexner’s lawyers in 2015, after which the allegations were quietly dropped. But Boies has asserted in an affidavit that “no settlement demand was ever made, or even discussed.” Dershowitz asserts that if no money was exchanged, it must be because Giuffre’s allegations were disproved. Neither Wexner’s lawyer nor Boies would comment on the discussions. After Epstein’s arrest, Wexner wrote in a memo to his company employees that he “was NEVER aware of the illegal activity charged in the indictment.” In a

legal filing, Dershowitz says that Wexner's wife and lawyer told him that they viewed the approach from Boies as a "shakedown."

Boies says that because the motion accusing Dershowitz was made by other lawyers, Edwards and Cassell, he wasn't even aware that Giuffre was making the claim. Pottinger has said he only told Boies when the motion was filed. "When I informed Mr. Boies," Pottinger says in his affidavit, "he told me that while he was aware of Mr. Dershowitz's reputation for running naked on beaches in Martha's Vineyard and hitting on students and girlfriends of students, he was disappointed to learn of his involvement with someone as young as Virginia." When I read this sentence to Dershowitz he gave an amused look to his wife and admitted that he has occasionally gone skinny-dipping at a nude beach near his house. But he denied the part about hitting on students.

It seems inconceivable that Boies, a litigator known for his piercing powers of perception, would have been unaware of one of his client's most explosive claims, and his co-counsels' plans to detonate them in public. On the other hand, he points out an obvious logical flaw in Dershowitz's shakedown theory. "What in the world would lead someone to use Alan Dershowitz as a stalking horse, for heaven's sake?" Boies said. Whatever else he may be, Dershowitz is no one's idea of a patsy.

"Boies never targeted Dershowitz," Pottinger told me. "There's no way that these two giants would take on each other gratuitously." He says that Boies questioned the strategy of naming the media-friendly lawyer, saying the inevitable controversy would distract attention from the real quarry, Epstein, and the big issue, human trafficking.

Sure enough, after the affidavit was filed, Dershowitz went on CNN and the *Today* show, where he attacked Giuffre and predicted her "unethical" lawyers would be disbarred. The "worldwide media rampage," as Edwards and Cassell later described it, opened the way for the next round of litigation: the defamation cases. Court proceedings are legally privileged, meaning Dershowitz could not sue Giuffre for what she claimed in her affidavit, but his media appearances enjoyed no such immunity. In 2015, citing his comments on TV, Edwards and Cassell sued him for defamation in Florida state court. He suspects that was part of the plan all along.

"They expect me to remain silent in the face of an accusation like that?" Dershowitz said. "It's a sleazy tactic. That's the Boies tactic."

At the time the defamation suit was filed, though, Dershowitz still wasn't aware that Boies was his opponent. After his *Today* appearance, he even received a supportive email from a lawyer in the firm of Boies Schiller Flexner, with whom he had worked in the past. "Thank you for your kind words," Dershowitz wrote back. "I would love your help." The lawyer, who claims he was unaware of the boss's role, said he would be willing to represent him in the defamation case. Dershowitz discussed the lawsuit with him and sent along a memo that he describes as "the whole strategy of my defense." Soon after, the lawyer wrote back, saying the firm had informed him of a conflict, "the nature of which we are not at liberty to discuss." It wasn't until later that Dershowitz discovered Boies was representing his accuser. He would file four separate bar complaints, claiming Boies and his firm acted unethically. None of them have resulted in sanctions.

The defamation case gave Giuffre's attorneys a chance to gather evidence, including Dershowitz's sworn testimony in a series of depositions. Giuffre claimed to have had sex with Dershowitz on Epstein's private plane. The lawyers turned up flight manifests that showed the lawyer sometimes flew on it, although there was no record of him and Giuffre on the plane together. They cited testimony from former household employees who said they saw him around when Epstein had girls over to give massages. Dershowitz claimed that, because of the layout of the Palm Beach compound, he was unaware of what Epstein did in his private quarters and admits to receiving just one massage himself, from an older Russian woman named Olga. He has said he kept his underwear on and didn't enjoy it, a claim met with derision most everywhere except within his family. Elon recalled that years ago, a rough masseuse gave his father a shoulder injury.

"He always, always brings it up, and says, 'I hate massages,'" Elon said.

By the spring of 2015, as media interest receded, Dershowitz attempted to put his dispute with Giuffre to rest. He reached out to Boies via an attorney named David Stone, who had worked with both of them in the past. They had a series of meetings where Dershowitz tried to convince Boies that he had been wrongly accused. He proposed to show Boies the spreadsheets listing his whereabouts, Stone says in an affidavit, and suggested that Giuffre might be confusing him with another Epstein friend. That fall, he began surreptitiously taping his phone calls with Boies. He has played snippets of the calls for me and other reporters, but they are difficult to interpret out of context. Throughout the process, Stone says, Boies made noncommittal comments that Dershowitz appeared to read too much into, as he held out hope for a retraction.



“Let’s keep trying. We are not THAT far apart,” Dershowitz wrote in a December 2015 email to Boies. He suggested that Giuffre issue a statement reading: “The events at issue occurred approximately 15 years ago when I was a teenager. Although I believed then and continued to believe that AD was the person with whom I had sex, recent developments raise the possibility that this may be a case of mistaken identification.”

Boies was not interested. He claims he told Dershowitz in late 2015 that the firm was “increasingly uncovering evidence” that undermined his denials, including inconsistencies in his travel records. In 2016, the Florida defamation case ended with an undisclosed financial settlement and a joint statement in which Edwards and Cassell said that “it was a mistake to have filed sexual misconduct accusations against Dershowitz.” (The lawyers, who declined to comment, clarified in a subsequent legal filing that they feel their mistake was merely “tactical.”) But Boies was pressing forward with a second defamation lawsuit, between Giuffre and Ghislaine Maxwell, whom she had alleged was also “heavily involved in the illegal sex.”

The Maxwell case allowed Boies to amass an enormous volume of evidence about the activities of Epstein and his associates. He also turned up a second Dershowitz accuser, a former model named Sarah Ransome. She has alleged in a sworn statement that when she was in her 20s, she performed numerous sexual favors for Epstein and had a threesome with another woman and Dershowitz at the New York mansion.

“You meet David Boies, magically you remember that you had sex with Alan Dershowitz,” Dershowitz said bitterly. As an 80-year-old academic, he said some of the stories — threesomes, airplane trysts, group sex in Epstein’s limousine — sounded “so phantasmological.” He recognizes that the #MeToo movement has surfaced numerous accounts of preposterous-sounding sexual misbehavior by prominent and respected men, and almost all of them have turned out to be true. But he swears he is different.

“Mine is the only case, singular, *the only one*, where I never met the people,” Dershowitz said. “There’s no evidence we’ve ever met, no evidence we were ever in the same place at the same time, ever.” He has sued to unseal evidence filed in the Maxwell defamation case that he predicts will prove damaging to his accusers’ credibility. The record contains emails, he said, from Ransome to a New York *Post* reporter, in which she purports to possess sex tapes of Hillary Clinton, Richard Branson, and Donald Trump. There are also emails between Giuffre and a tabloid journalist, he said, in which she appears to shape her story to make it more salable as a book. Dershowitz also stresses that there appears to be a discrepancy in Giuffre’s accounts of her age at the time she worked at Mar-a-Lago, meaning she may have been as old as 17 when she met Epstein, which may make a legal distinction, if not a moral one.

Constantly, he calls Giuffre a “liar” and worse. Counterpunching is his style as a defense attorney, but his vehemence often turns ugly.

“As a psychologist,” Cohen interjected during one harangue, “one thing that Alan and I have talked about is that people with that kind of horrific background where they really had to resort to their own resources to survive, they learn how to be manipulative.”

“I understand the phenomenon,” Dershowitz replied. “But I’m not going to let somebody get away with falsely accusing me of a horrendous crime, just because I may have some sympathy with what she went through. Maybe she should have some sympathy with what she’s putting me through.”

Boies said that his clients would not be available for comment, but he told me the accusations will withstand Dershowitz’s assaults. “There is no one who ever talked to Virginia Giuffre who does not believe that she is a credible witness,” Boies said. Much of the evidentiary record in the Maxwell defamation case, which was settled in 2016 for an undisclosed sum, is expected to become public soon, after a federal appeals court sided with Dershowitz and others who argued for overturning a sealing order.

Besides the documents that Dershowitz predicts will exonerate him, the record includes much testimony and evidence from Giuffre and supporting witnesses. “Mr. Dershowitz’s misconduct, and his lies about it, are documented in sworn affidavits, sworn depositions, and contemporaneous documents,” Boies said. “I can understand why Mr. Dershowitz wants to distract attention from the facts by talking about me.”

Earlier this year, Boies’s firm filed yet another defamation lawsuit on Giuffre’s behalf, this one against Dershowitz directly. Dershowitz vows to fight it until he is vindicated or he dies. “I’m not going to be made whole until David Boies is imprisoned, disbarred, and discredited,” he said. “I will only be made whole when the world understands that this was a completely made up story for money. Nothing short of that will satisfy me.”

“It is clear to me,” Boies replies, “that Mr. Dershowitz will never be made whole.”

Toward the end of our morning on the Vineyard, Dershowitz stepped out of the room to have yet another crisis-management call with his lawyer. I took the opportunity to ask Cohen how she hoped to see the case between her husband and his accusers resolved.

“My hope, my greatest dream, would be for this to be revealed as really a sinister plot by Boies, and that he gets what’s due to him, and Alan gets totally exonerated,” she said. “And the

#MeToo movement pulls back some and becomes a more reasonable, due process-oriented, valuable movement. This alerts us to the dangers of being too fanatical.” The balance of presumption, she said, had tilted too far.

“It’s like, all men are evil.”

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### **Insane Slides from SoftBank's Presentation Explaining (?) How It Will Fix WeWork**

*By* JOSH BARRO

Maybe Adam Neumann isn't the only charismatic founder-CEO who needs to be paid to go away.

**9:19 A.M.**

### **Some possibly reassuring news for Democrats**

“

Maybe Trump is a swing state colossus, but new [@CookPolitical](#) [@KFF](#) poll shows his approval at 41% in MI, 42% in WI & just 39% in PA. His approval on health care is even weaker, but yellow light for Dems: 56% in PA, 58% MI, 59% WI oppose [#Medicare4All](#) that ends private insurance

—[@RonBrownstein](#)



11/6/2019

### **How Much Does One (Very Troubling) Poll Matter?**

*By* Gabriel Debenedetti and BENJAMIN HART

**8:40 A.M.**

### **One way in which Sanders's massive war chest will come in handy**

Bernie Sanders's campaign plans to spend more than \$30 million on TV advertising alone in the first four presidential nominating states and California, according to several people familiar with the strategy, a financial show of force that also suggests he needs to reach outside the traditional sphere of Democratic primary voters and caucusgoers for support.

Mr. Sanders, the senator from Vermont, has been on the air in Iowa since early October, when his campaign spent \$1.3 million on television advertising, and has bought \$1 million of TV time in New Hampshire beginning Thursday.

The campaign has so far largely flouted traditional politicking, wagering instead on robust on-the-ground organizing to bring new voters into the political process.



**Sanders to Spend More Than \$30 Million on Advertising in Early States**

—The New York Times

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By JESSE SINGAL

**7:25 A.M.**

**A not-so-surprising revelation from the forthcoming book by the anonymous Trump op-ed writer: Cabinet members thought Pence would go along with a move that would remove Trump and make him president**

According to the exposé, which is written by someone that The New York Times and the publisher of the book say is a current or former senior White House official, using the pen name "Anonymous," highly placed White House officials did a back-of-the-envelope tally of which Cabinet members would be prepared to sign a letter invoking Section 4 of the 25th Amendment to the Constitution, which says that if the president is deemed unfit to discharge the duties of his office, the vice president would assume the role.

That letter would need to be signed by a majority of the Cabinet, delivered to Pence for his signature and then submitted to Congress.

According to Anonymous, there was no doubt in the minds of these senior officials that Pence would support invoking the 25th Amendment if the majority of the Cabinet signed off on it.



**Exclusive: Book Claims Senior Officials Believed Pence Would Support Use Of 25th Amendment**

—HuffPost

**7:21 A.M.****Bernie's new immigration plan would end ICE raids and give DACA recipients legal status**

Sen. Bernie Sanders on Thursday released his comprehensive immigration plan, calling for a complete restructuring of the system through legislative action and a series of executive orders.

On day one of his administration, the candidate for the 2020 Democratic presidential nomination said, he would place a moratorium on deportations, end raids by Immigrations and Customs Enforcement, stop construction of the wall on the US-Mexico border, end family separations and shutter for-profit detention centers.

Under his "A Welcoming and Safe America for All" plan, the Vermont independent indicated for the first time that he will reverse guidance from the Trump administration's Department of Justice and permit asylum claims from those fleeing domestic or gang violence. Sanders would also overturn Trump's so-called "public charge" rule and ensure that immigrants are not discriminated against based on income or disability, while extending temporary protected status until more permanent resolutions are in place, invalidating Trump's efforts to end those designations.

In his proposal, Sanders expands on his support for extending legal status to the 1.8 million young people who are currently eligible for the Deferred Action for Childhood Arrivals program and pledging to provide relief to their parents, as then-President Barack Obama sought to do, by using executive authority to allow undocumented immigrants who have lived in the country for at least five years to be free from deportation.

**Bernie Sanders' immigration plan would put moratorium on deportations, end ICE raids****—CNN****7:00 A.M. CONSERVATISM****The GOP's Opposition to Impeachment Is (Terrifyingly) Principled***By* ERIC LEVITZ

Many conservatives simply value the preservation of liberal democracy less than the maintenance of their movement's power.

**1:57 A.M. UKRAINE SCANDAL****Bill Barr Refused to Publicly State Trump Did Nothing Illegal in Ukraine: Report***By* MATT STIEB

Frustrated by the behavior of Rudy Giuliani, AG William Barr reportedly refused to hold a press conference asserting Trump's innocence in Ukraine.

11/6/2019 IMPEACHMENT INQUIRY

**Lindsey Graham: Trump Too ‘Incoherent’ to Pull Off Quid Pro Quo***By* MATT STIEB

After saying that the impeachment inquiry was “B.S.” on Tuesday, Graham returned with a defense of Trump that’s more insulting than effective.

11/6/2019 VISION 2020

**Biden Calls Warren Naïve, Naïvely Says GOP Will Have a Post-Trump ‘Epiphany’***By* MATT STIEB

Biden suggested Republicans would see the light on bipartisanship after Trump’s exit, forgetting, perhaps, the majority of his time as veep.

11/6/2019 FAKE NEWS

**How a (Mostly) Fake Campus Controversy Illustrates the Media’s Outrage Economy***By* JESSE SINGAL

The now-famous bánh mì protests at Oberlin were mostly invented by the media. The interesting part is why.

11/6/2019 INTELLIGENCER CHATS

**How Much Does One (Very Troubling) Poll Matter?***By* GABRIEL DEBENEDETTI AND BENJAMIN HART

Intelligencer staffers discuss a much-discussed survey that included some very scary results for Democrats.

11/6/2019 LABOR

**Virginia Democrats Should Get Right to Work — by Repealing ‘Right to Work’***By* ERIC LEVITZ

Virginia is one of the most anti-labor states in the union. Democrats finally have the power to change that.

11/6/2019

**That oughta silence the critics**





Reed Hastings on taking down [@hasanminhaj](#) show after letter from MBS/Saudi Arabia: “We’re not in the truth to power business, we’re in the entertainment business.” [#dealbook](#)

—[@DylanByers](#)

**11/6/2019 BUYER'S MARKET**

## It's Time to Relax About LAX-it

By JOSH BARRO

The new arrangement for Uber riders at the Los Angeles airport is a case study in why consumers just need to be flexible sometimes.

**11/6/2019**

## Surely Trump won't hold a grudge, right?



Jeff Sessions is poised to announce his comeback Senate candidacy on Thursday, CNN has learned. He faces not only a GOP primary in Alabama, but also President Trump, who has never forgiven Sessions for recusing himself in the Russia probe. Is his fate in Trump's hands?

—[@jeffzeleny](#)

**11/6/2019**

## All indications are that turnout in 2020 will be bonkers



Current total on the Kentucky board of elections website is that 1.455 million people voted in yesterday's governor's race. In 2015, about 940,000 people voted. That's an increase of over 50%. What will 2020 look like?

—[@RonBrownstein](#)

**11/6/2019**

## They really won't



Joe Biden at a downtown DC fundraiser today: “With Donald Trump out of the way, you’re going to see a number of my Republican colleagues have an epiphany. Mark my words. Mark my words.”

—[@sahilkapur](#)

**11/6/2019 JUST ASKING QUESTIONS**

## How Giving Trump the Finger Helped One Woman Win Her Election

By ADAM K. RAYMOND

Juli Briskman explains why she flipped off Trump in 2017 and how she turned her viral moment into a chance to make real change.

**11/6/2019****With this poll, Tulsi Gabbard qualifies for the debate in November, the tenth candidate to do so**

IOWA

If the Democratic caucus were being held today ...

[top responses]

Warren 20%

Buttigieg 19%

Sanders 17%

Biden 15%

Klobuchar 5%

Harris 4%

Gabbard 3%

Yang 3%

Steyer 3%

(Quinnipiac U. Poll, likely Democratic caucus-goers, 10/30 - 11/5/19)

—@pollreport

**11/6/2019****The New York Times continues not to fail, though ad revenue is down**

Readers continue to shower The New York Times with money. Advertisers, not so much.

The publisher added 273,000 new online subscribers in the third quarter, for a total of four million digital readers, the company reported Wednesday. The number of total subscribers, including print and digital, hit 4.9 million, a high. Advertising was the weak spot, falling 6.7 percent over all, with digital ad revenue dropping 5.4 percent.

The decline in print advertising was not unusual, as readers continue to prefer getting their news on screens. The drop in digital ads, however, was more surprising for The Times, an established publisher with a growing base of online readers.

The stock was down as much as 9 percent in early trading Wednesday.

**New York Times Co. Advertising Drops as 'Turbulence' Hits Digital Market**

—The New York Times

**11/6/2019** VISION 2020**Several 2020 Democrats Could See Boost From Lack of Day-Job Distractions**

By ED KILGORE

An impeachment trial in early 2020 could really mess up campaign schedules for senators running for president. Biden and Buttigieg may benefit.

**11/6/2019****Mark your calendars**

House Democrats will begin convening public impeachment hearings next week, they announced on Wednesday, initially calling three marquee witnesses to begin making a case for President Trump's impeachment in public.

The hearings will kick off on Wednesday, with testimony from William B. Taylor Jr., the top American envoy in Ukraine, and George P. Kent, a top State Department official, said Representative Adam B. Schiff, Democrat of California and the chairman of the Intelligence Committee. On Friday, Mr. Schiff's committee will hear from Marie L. Yovanovitch, the former American ambassador to Ukraine, he said.

"More to come," Mr. Schiff added on Twitter.

**The Trump Impeachment Inquiry: Latest Updates****—New York Times****11/6/2019 ELECTIONS OF 2019****Matt Bevin's Loss in Kentucky Was About Matt Bevin***By* ADAM K. RAYMOND

Kentucky rejected its conservative governor, but Democrats excited about 2020 implications should note the GOP won every other statewide office.

**11/6/2019 CITYSCAPE****Two New Buildings Break Free of the Glass Straitjacket***By* JUSTIN DAVIDSON

Façade materials that are able to show their age.

**11/6/2019 THE NATIONAL INTEREST****Pretending Trump Wants to Stop Corruption Is the GOP's Most Insulting Lie Yet***By* JONATHAN CHAIT

Trump "honestly believes that there may have been corruption in Ukraine"?

**11/6/2019****America apparently dislikes everyone**

The favorable ratings in the new Monmouth poll find that \*no\* Democrat is above water, but several are stronger than Trump.

Warren: 42/44  
Biden: 43/50 (!)  
Trump: 44/54  
Sanders: 41/54  
Buttigieg: 27/34  
Harris: 27/46 (!)

—@daveweigel

11/6/2019 IMPEACHMENT

## Senate Republicans Want to Make Trump's Impeachment Trial About the Bidens

By ED KILGORE

Republicans may prefer a show trial of Joe Biden and his son Hunter to a brief impeachment trial of President Trump.

11/6/2019 POLITICS

## Democrats' Virginia Win Has 2020 Implications

By ED KILGORE

It looks like Democratic suburban gains in 2018 are continuing, and Republican efforts to shift attention from Trump to Dems' scandals didn't work.

11/6/2019

## Nothing to see here

October was the warmest such month on record globally, narrowly edging out October 2015 for the top spot, according to a [new analysis](#) from the European Union's Copernicus Climate Change Service.

The finding, released Tuesday, is significant because it shows that 2019 is certain to be one of the warmest years on record, continuing a trend scientists attribute to increasing amounts of greenhouse gases in the atmosphere due to human activities.

According to Copernicus, global average surface temperatures were 1.24 degrees above average when compared to the 1981-2010 average, and 0.02 degrees above the 2015 record. The month was a solid 0.2 degrees above the third-warmest October, which occurred in 2017.

During October, the Western United States and parts of Canada stood out for being cooler than average. However, temperatures were "markedly above average" over much of the Arctic, where sea ice extent hit a record low for the month. Europe was warmer than average, as was the Eastern United States and Canada, the Middle East and much of North Africa and Russia.



Earth sizzles through October as another month ranks as the warmest on record

—Washington Post

11/6/2019

Good one, Mr. President

“ Stock Markets (all three) hit another ALL TIME & HISTORIC HIGH yesterday! You are sooo lucky to have me as your President (just kidding!). Spend your money well!

—@realDonaldTrump



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# **Exhibit N**



JEFFREY EPSTEIN

# "IT'S GOING TO BE STAGGERING, THE AMOUNT OF NAMES": AS THE JEFFREY EPSTEIN CASE GROWS MORE GROTESQUE, MANHATTAN AND DC BRACE FOR IMPACT

The disgraced financier "collected people," said a source. Could some of them be implicated in his crimes? Meanwhile, Alan Dershowitz ("He's a bad person") and David Boies ("He's a liar") are already at war over the case.



BY GABRIEL SHERMAN

JULY 17, 2019







BY JASON SZENES/EPA-EFE/SHUTTERSTOCK.

**T**he **Jeffrey Epstein** case is an asteroid poised to strike the elite world in which he moved. No one can yet say precisely how large it is. But as the number of women who've accused the financier (at least, that's what he claimed to be) of sexual assault grows to grotesque levels—there are said to be more than 50 women who are potential victims—a wave of panic is rippling through Manhattan, DC, and Palm Beach, as Epstein's former friends and associates rush to distance themselves, while gossiping about who might be ensnared. **Donald Trump**'s labor secretary, **Alexander Acosta**, architect of the original 2007 non-prosecution agreement that let Epstein off with a wrist slap, has already been forced to resign.

The questions about Epstein are metastasizing much faster than they can be answered: Who knew what about Epstein's alleged abuse? How, and from whom, did Epstein get his supposed \$500 million fortune? Why did Acosta grant Epstein an outrageously lenient non-prosecution agreement? (And what does it mean that Acosta was **reportedly** told Epstein "belonged to intelligence"?) But among the most pressing queries is which other famous people might be exposed for committing sex crimes. "There were other business associates of Mr. Epstein's who engaged in improper sexual misconduct at one or more of his homes. We do know that," said **Brad Edwards**, a lawyer for **Courtney Wild**, one of the Epstein accusers who gave emotional testimony at Epstein's bail hearing. "In due time the names are going to start coming out." (Attorneys for Epstein did not respond to a request for comment.)

Likely within days, the U.S. Court of Appeals for the Second Circuit will release almost 2,000 pages of documents that could reveal sexual abuse by "numerous prominent American politicians, powerful business executives, foreign presidents, a well-known prime minister, and other world leaders," according to the three-judge panel's ruling. The documents were filed during a civil defamation lawsuit brought by Epstein accuser **Virginia Roberts Giuffre**, a former Mar-a-Lago locker-room attendant, against Epstein's former girlfriend and alleged madam, **Ghislaine Maxwell**. "Nobody who was around Epstein a lot is going to have an easy time now. It's all going to come out," said Giuffre's lawyer **David Boies**. Another person involved with litigation against Epstein told me: "It's going to be staggering, the amount of names. It's going to be contagion numbers."

Epstein remained a fixture in elite circles even after he was a registered sex offender. A few years ago, for example, he was a guest



following the dinner.”)

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In an email, Elon Musk responded: “I don’t recall introducing Epstein to anyone, as I don’t know the guy well enough to do so, Epstein is obviously a creep and Zuckerberg is not a friend of mine. Several years ago, I was at his house in Manhattan for about 30 minutes in the middle of the afternoon with **Talulah [Riley]**, as she was curious about meeting this strange person for a novel she was writing. We did not see anything inappropriate at all, apart from weird art. He tried repeatedly to get me to visit his island. I declined.” A Musk spokesperson also emailed: “Elon never introduced Jeffrey Epstein to Mark Zuckerberg and does not know either person well enough to do so. They simply happened to be guests at a neuroscience dinner organized by Reid Hoffman.”

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One source who’s done business with Epstein told me that Epstein’s 21,000-square-foot townhouse on East 71st Street welcomed a steady stream of the Davos crowd in the past decade. The source said **Bill Gates**, **Larry Summers**, and **Steve Bannon** visited the house, which has been called one of the largest private residences in Manhattan. “Jeffrey collected people. That’s what he did,” the source said. Gates and Summers did not respond to requests for comment.

Thus far, the name most publicly associated with Epstein’s alleged crimes is famed lawyer **Alan Dershowitz**, who’s been waging a public battle with David Boies for years. In April, Boies’s client Giuffre sued Dershowitz for defamation after Dershowitz called her a liar (a strategy similar to that of seven of **Bill Cosby’s accusers**). In the days since the FBI arrested Epstein at Teterboro Airport a week and a half ago, Dershowitz has been going on television and dialing up friends and reporters to profess his innocence and label Giuffre and Boies liars. “I want everything to come out! I’m not afraid of anything because I did nothing wrong,” Dershowitz told me on the afternoon of July 15.

He called me a minute after I had emailed him for comment. He said he’d been friends with Epstein since 1996, when they were introduced at a party on Martha’s Vineyard by **Lynn Forester de Rothschild**. “She begged me to meet him. She told me, ‘here’s this smart academic.’” A few days later, Epstein invited Dershowitz to **Les Wexner’s** 59th birthday party at Wexner’s mansion in New Albany, Ohio. “It’s a tradition that Jeff invited the smartest person he met that year. He told them I was the smartest.” They remained close for years. Dershowitz strenuously denied ever participating in Epstein’s underage sex ring and said he’d only been in Epstein’s presence with his wife. “I got one massage!” he told me. “It was from a 50-year-old Russian woman named Olga. And I kept my shorts on. I didn’t even like it. I’m not a massage guy.”

Dershowitz said he secretly (and legally) tape-recorded settlement conversations with Boies and that the phone calls capture Boies admitting that Giuffre’s allegations aren’t true. “Boies is a bad person,” he told me.

“I never said that,” Boies responded when I asked about Dershowitz’s version of the phone calls. “What Alan does is he plays a second or two out of context; he never lets anybody listen to the whole thing.” Boies also dismissed Dershowitz’s claim that he never met Giuffre at Epstein’s house. According to Boies, Epstein’s former employees said in sworn depositions that they saw



On Wall Street, Epstein is a subject of mystery—and fear. “I knew Jeff. He came across as very smart, very sophisticated,” one hedge fund manager told me. “He always had a good read on people. But manipulative people are good at that.” Another person who’s been in meetings with Epstein told me: “He’s very clever.”

How Epstein obtained his fortune is a matter of feverish speculation. His claim to a billionaire-only client list now seems laughable to the bankers I spoke with. One Wall Street source with direct knowledge of Epstein’s business said one source of Epstein’s income was providing “tax advice and estate planning” to rich clients, like Apollo Global Management founder **Leon Black**, presumably because Epstein had experience with offshore funds after basing his office in the Virgin Islands. In 2015 Black made a \$10 million **donation** to Epstein’s foundation. (Black declined to comment.)

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In the absence of much other information, the reigning theory on Wall Street currently is that Epstein’s activities with women and girls were central to the building of his fortune, and his relations with some of his investors essentially amounted to blackmail.

Similarly, DC is on edge. “Epstein bragged about his contacts in Washington,” Boies said. Reporters are likely to dig into why the Justice Department decided not to prosecute Epstein and kept the deal secret from his victims. One theory circulating among prominent Republicans is that Epstein was a Mossad agent. Another is that the **George W. Bush** White House directed Acosta not to prosecute Epstein to protect **Prince Andrew** on behalf of the British government, then the U.S.’s closest ally in the Iraq war. “The royal family did everything they could to try and discredit the Prince Andrew stuff,” Boies told me. “When we tried to follow up with anything, we were stonewalled. We wanted to interview him, they were unwilling to do anything.” (Prince Andrew could not be reached for comment).

Of course, the two Epstein friends that people are most curious about are Donald Trump and **Bill Clinton**, both of whom have denied anything untoward. During the 2016 presidential race, **Hillary Clinton**’s campaign consulted Bill’s post-White House Secret Service logs because they were worried Trump would bring up Bill’s close association with Epstein and wanted to get ahead of the story, a source told me.

For those in Epstein’s orbit, the stakes of exposure are bound to get higher as more and more women come forward. Every day seems to bring new horrors about Epstein’s alleged depravity. At a press conference on Tuesday, Courtney Wild’s lawyer Brad Edwards said that after interviewing dozens of Epstein’s accusers, it appeared Epstein spent almost all of his time abusing underage girls. “It was his full-time job,” Edwards said. “We have not found anyone who has provided information about a legitimate business he was engaged [in].”

*This article has been updated to include a comment from Elon Musk, and to clarify Epstein’s relationship to Leon Black.*



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# **Exhibit O**

Miami Herald

IMPACT2020



Miami Herald





FLORIDA

# Dershowitz v. Boies: Jeffrey Epstein case unleashes war between two legal Goliaths

BY JULIE K. BROWN

JULY 05, 2019 06:17 PM, UPDATED JULY 08, 2019 04:11 PM

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Journalist Julie K. Brown reports on Jeffrey Epstein charges of conspiracy and sex trafficking underage girls in New York. BY [EMILY MICHOT](#)  | [DANIEL A. VARELA](#) 



It's a high-stakes war between two of the country's most powerful lawyers. Their feud, simmering for years, involves accusations of extortion, surreptitious recordings, unethical conduct and underage sex trafficking.

Harvard lawyer Alan Dershowitz has filed four bar complaints in three states — all of which have been dismissed — in a quest to disqualify lawyer David Boies and one of his partners who represent a woman accusing Dershowitz of sexually abusing her when she was underage, newly filed court records show.

The pugnacious Dershowitz, 80, and the equally zealous Boies, 78, have been sparring for decades. In recent years, both have suffered damage to their storied legacies, making this latest clash between the two legal titans one of the most important of their half-century careers.

#### TOP ARTICLES



**"These are attacks...  
on their health and  
well-being. On some  
of the most vulnerable  
members of society."**

**-New York Times Editorial Board**

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Dershowitz, professor emeritus at Harvard Law School and one of the nation's most iconic civil libertarians, has defended such notorious clients as Claus von Bulow, Mike Tyson and O.J. Simpson. But after four decades of legal accolades, he is now facing a sex scandal and is forced to



clear his own name at a time when he's being confronted by a barrage of attacks on social media as one of the most fervent legal defenders of President Donald Trump.

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Boies has embraced high-profile liberal causes and made history with landmark court cases: He represented Al Gore in the Florida recount dispute in the 2000 election, which he lost; successfully defended press freedom in a lawsuit involving "60 Minutes"; and in 2013 secured a Supreme Court victory overturning a California ban on same-sex marriage.

But Boies' image has also been tarnished in recent years by his aggressive, and often ruthless, representation of controversial clients such as Hollywood film mogul and accused sex predator Harvey Weinstein and Elizabeth Holmes, founder of a blood-testing company that allegedly defrauded investors and clients.

Dershowitz's bar complaints — disclosed here for the first time — provide a window into the behind-the-scenes legal drama between two of the world's most brilliant lawyers. It also reveals new details about an explosive sex trafficking case involving Dershowitz's former client, [Jeffrey Epstein](#), a New York multimillionaire who, according to investigators, molested more than three dozen girls in Palm Beach in the years 1999 to 2006.



David Boies' fame was cemented by his advocacy in many high-profile cases, including arguing *Bush v. Gore* in front of the United States Supreme Court on behalf of the Democrat. He has also represented Virginia Roberts Giuffre, a victim of Jeffrey Epstein, who accused both Prince Andrew and Alan Dershowitz of having sex with her at Epstein's direction. Andrew Harrer *BLOOMBERG*

Dershowitz's bar complaints against Boies are mentioned in a 36-page filing in federal court in New York Wednesday, as part of a federal civil defamation suit lodged in April against Dershowitz by Virginia Roberts Giuffre. Giuffre, now 35, has claimed that when she was a minor she was directed to have sex with Dershowitz by Epstein, whom Dershowitz staunchly defended.

Dershowitz has repeatedly denied that he had sex with Giuffre — or anyone other than his wife — and in June filed a motion to disqualify Boies and his firm, Boies Schiller Flexner, from representing Giuffre in her defamation case. The firm has been representing Giuffre pro bono since 2014.

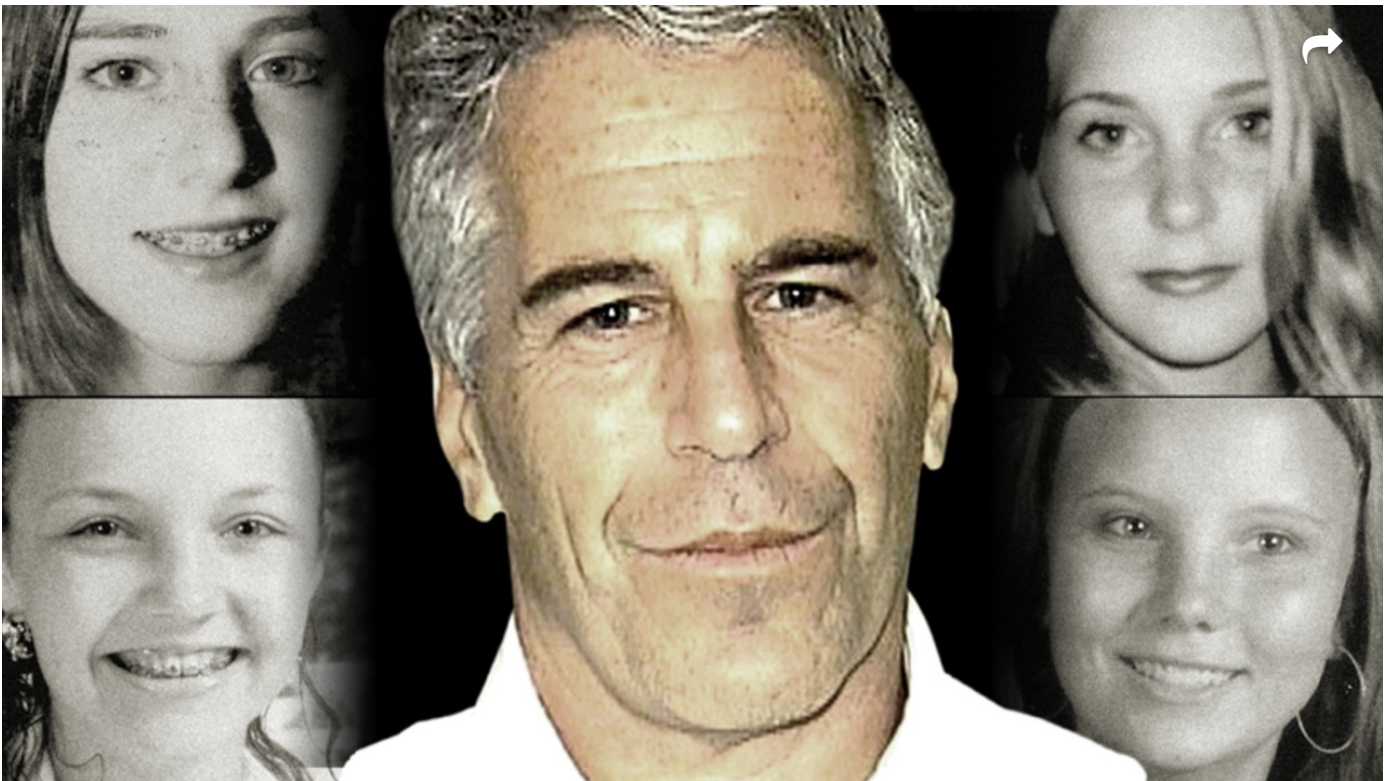
On Wednesday, BSF partner Joshua Schiller, son of founding partner Jonathan Schiller, filed papers in federal court in the Southern District of New York opposing the motion to dismiss the firm. The filing includes affidavits by five lawyers who say that Dershowitz either lied or distorted communications he had with them or with Boies involving the Giuffre case.

The attorneys, most of them current or former BSF partners, submitted the statements in connection with bar complaints filed by Dershowitz. The complaints, filed between 2015 and 2017, include: one in New York against Boies; one in Washington, D.C., against one of Boies' partners, Sigrid McCawley; and two in Florida — one against Boies and another against McCawley, who represents Giuffre.

Dershowitz, in a statement to the Miami Herald, asserts that the lawyers' affidavits are suspect since most of the attorneys are either members of Boies' firm or beholden to Boies.

"All the lawyers who have filed accusatory affidavits are Boies partners, former partners [who] depend on Boies referrals, or co-counsel with Boies who share contingency fees. None is in any way independent," Dershowitz said in an email Thursday.

Among the affidavits is one filed by Stanley Pottinger, a former U.S. assistant attorney general for civil rights who is now a principal in Edwards Pottinger, a firm in New York and Fort Lauderdale that specializes in sex abuse cases involving women and children.



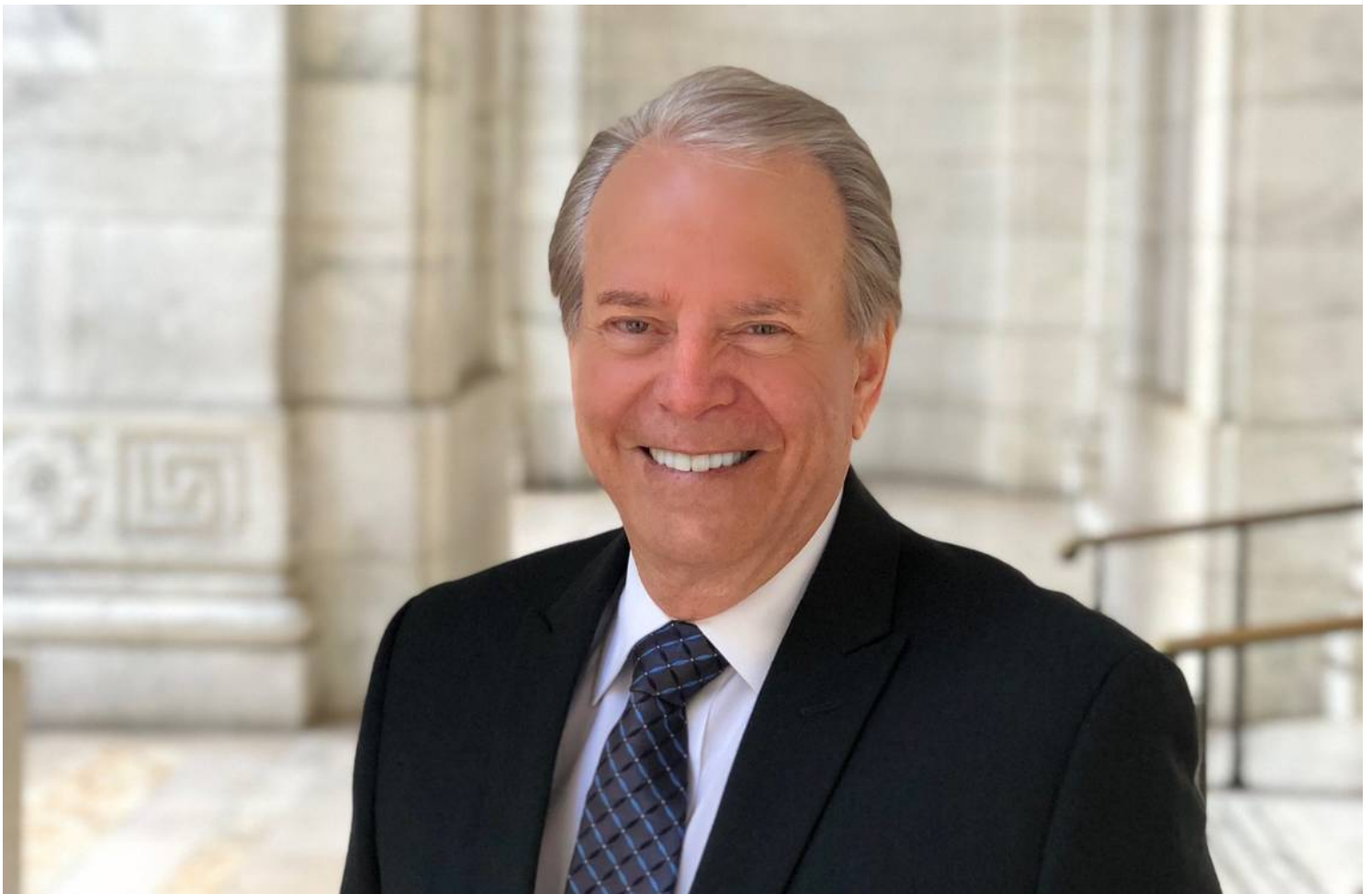
A Miami Herald investigation into Palm Beach hedge fund manager Jeffrey Epstein's sexual pyramid scheme targeting underage girls— and why he's a free man today. BY [EMILY MICHOT](#) ✉ | [JULIE K. BROWN](#) ✉

Pottinger, who represented Giuffre in 2014, said it was he who enlisted Boies to assist in her case because he predicted that Giuffre would become a target of vicious attacks by powerful and wealthy men she had identified as having sex with her under Epstein's direction. She needed an aggressive lawyer, one that could stand up to the kind of pressure that they anticipated.

Among those Pottinger mentions whom Giuffre claimed to have had sex with were Dershowitz and Les Wexner, an Ohio billionaire who is owner of the Limited Brands and Victoria's Secret clothing stores, according to Pottinger's affidavit.

Two other lawyers, Bradley Edwards, a former state prosecutor in Broward County who is now Pottinger's partner, and Paul Cassell, a former federal judge in Utah, were also part of Giuffre's legal team. Cassell, now a law professor at the University of Utah, is considered a legal expert on and advocate for crime victims' rights.

Pottinger's affidavit was submitted to the New York bar in 2017 in response to a complaint Dershowitz had filed claiming that Boies and McCawley had a conflict of interest and had committed ethics violations in representing Giuffre.



Stanley Pottinger, a former assistant attorney general in charge of the civil rights division, got David Boies involved in representing Virginia Roberts Giuffre.

That complaint mirrors his latest motion to dismiss the Boies firm from representing Giuffre in the current defamation case against Dershowitz in New York.



The dispute concerns an eight-day period in January 2015 after Dershowitz went on what he called “a media tour” in an effort to clear his name and discredit Giuffre and her attorneys. At the time, Dershowitz did not know that Boies was among those representing Giuffre, court records show.



The girls who were abused by Jeffrey Epstein and the cops who championed their cause remain angry over what they regard as a gross injustice, while Epstein's employees and those who engineered his non-prosecution agreement have prospered. BY [MARTA OLIVER CRAVIOTTO](#) | [EMILY MICHOT](#) | [JULIE K. BROWN](#)

## EPSTEIN CASE

In December 2014, Cassell and Edwards filed an affidavit by Giuffre as part of a federal Crime Victims' Rights complaint they had brought six years earlier against the Justice Department in the Epstein case.

In the lawsuit, two of Epstein's victims claimed that federal prosecutors in Florida had improperly brokered a non-prosecution agreement in 2008 with Epstein and his lawyers without informing them, as was required by law. The deal, negotiated by then-Miami U.S. Attorney Alexander Acosta, was signed and sealed in secret, and by the time Epstein's victims learned about the deal — months later — it was too late for them to object.

Epstein was allowed to plead guilty in state court to two prostitution charges and served 13 months in the Palm Beach County jail, where he was given liberal work release, including permission to use his own valet to pick him up at the jail every day and take him to his office in downtown Palm Beach.




Edwards and Cassell argued that the deal was illegal, and in February, a federal judge agreed, affirming that Acosta and other prosecutors violated the Crime Victims' Rights Act by misleading Epstein's victims into believing that prosecutors and the FBI were still investigating the case when they had quietly disposed of it.

[Alan Dershowitz petition](#) by [Casey Frank](#) on Scribd

Case 1:19-cv-03377-LAP Document 8 Filed 06/07/19 Page 1 of 34

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1 of 34



Giuffre, who had fled Epstein to live in Australia when she was 19, was among three dozen girls who were listed by the FBI as victims in the case. In 2014, Cassell and Edwards wanted to add more victims to their lawsuit against the government and, that same year, Giuffre agreed to join the lawsuit.

Edwards and Cassell submitted a sworn affidavit in the case, signed by Giuffre, that detailed how she had been recruited into sex trafficking by Epstein and his then-partner, Ghislaine Maxwell. Giuffre met Maxwell in 2000 when Giuffre was a 16-year-old and working as a spa attendant at

Mar-a-Lago, Trump's winter home and members-only resort in Palm Beach. (Giuffre's original affidavit claimed that she was 15, but her employment records subsequently showed that she was 16 when she worked at Mar-a-Lago.)

Giuffre's affidavit set off a media firestorm when she alleged that one of the people she had been trafficked to by Epstein was Dershowitz. This was a loaded document to add to the victims' case because Dershowitz had represented Epstein in his criminal investigation and helped negotiate the secret non-prosecution agreement.

The deal included a provision giving immunity to Epstein — and others who were involved in Epstein's underage sex operation. Many of those co-conspirators have never been identified, and it has given rise to speculation that, if Giuffre's allegation was true, Dershowitz could have been among those who may have been covered by the immunity provision.

Dershowitz denied that he was in any way part of Epstein's alleged sex-trafficking operation, and says he has irrefutable evidence that shows he could not have been involved with Giuffre because he has never met her.

In January 2015, in a series of interviews on national TV, Dershowitz demanded that Edwards and Cassell be disbarred. He said, among other things, that the lawyers were prepared "to lie, cheat and steal," and had failed to properly investigate Giuffre's claims before making her affidavit public. He accused Giuffre of being "a serial liar," prostitute and unfit mother.

Edwards and Cassell promptly sued Dershowitz in Broward County for defamation.





Once a friend of presidents, the ultra-rich and the elite of Wall Street's bankers — plus a major benefactor to Harvard University — Jeffrey Epstein handled portfolios estimated to be worth over \$15 billion. Then he became ensnared in a scandal involving the sexual abuse of underage girls. He is seen here, pre-scandal, at left, in conversation with Alan Dershowitz, one of America's best-known legal experts and a Harvard Law professor emeritus, at a Cambridge event. Dershowitz became a key member of Epstein's legal team. Rick Friedman  
*CORBIS VIA GETTY IMAGES*

On Jan. 22, 2015, Dershowitz appeared on the Today Show discussing the case. After the show, he was contacted by lawyer Carlos Sires, who was a partner in Boies' law firm and knew Dershowitz. Sires, in an affidavit, said he offered to help in any way he could, but did not know at the time that his firm was already representing Giuffre.

Sires said he told Dershowitz that he could not represent him until he cleared it with his bosses. For one thing, Sires said, Dershowitz wanted to negotiate the fee that he would be charged, and that wasn't something that Sires had the authority to approve.

"Mr. Sires told Dershowitz that the firm would need to run a conflict check before any potential representation was considered, and that the firm's chairman, Mr. Boies, would need to decide

whether to accept the representation and agree on a fee schedule,” wrote Schiller in Wednesday’s response.

Eight days later, Sires, after learning that Giuffre was a client of the firm, told Dershowitz he could not represent him for reasons that he could not disclose.

“Darn. I was hoping you could come on board. Thanks for considering it,” Dershowitz replied in an email attached to Sires’ affidavit.

## **VICTORIA’S SECRET OWNER ACCUSED**

Dershowitz contends that during that eight-day period, he sent Sires confidential information about his legal strategy and that the firm used that information to help Giuffre’s case. This information would form the basis for Dershowitz to try to remove Boies and any other member of the firm from representing Giuffre.

Such a move would have been devastating for Giuffre, since it would be unlikely that another firm would take on her case pro bono, setting a terrible legal precedent for other sexual assault victims, Schiller argued.

[Boies law firm motion](#) by [Casey Frank](#) on Scribd

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA L. GIUFFRE,  
Plaintiff,

Case No.: 19 Civ. 3377 (LAP)

v.

ALAN DERSHOWITZ,  
Defendant.

\_\_\_\_\_ /

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION  
TO DISQUALIFY BOIES SCHILLER FLEXNER LLP**

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1 of 33



Moreover, Schiller and Sires claim that Dershowitz did not submit anything to the firm that was not already part of the court record. The firm nevertheless took steps to insulate Dershowitz's communications with Sires, a legal process that is common, especially among large law firms where potential conflicts can arise between lawyers who unintentionally bump up against clients on opposing sides of a case.

Months later, Dershowitz reached out to one of the firm's former partners, David S. Stone, to ask him to get him a meeting with Boies, records show. By then, however, McCawley — who was based in Fort Lauderdale — was the lead attorney handling Giuffre's case.

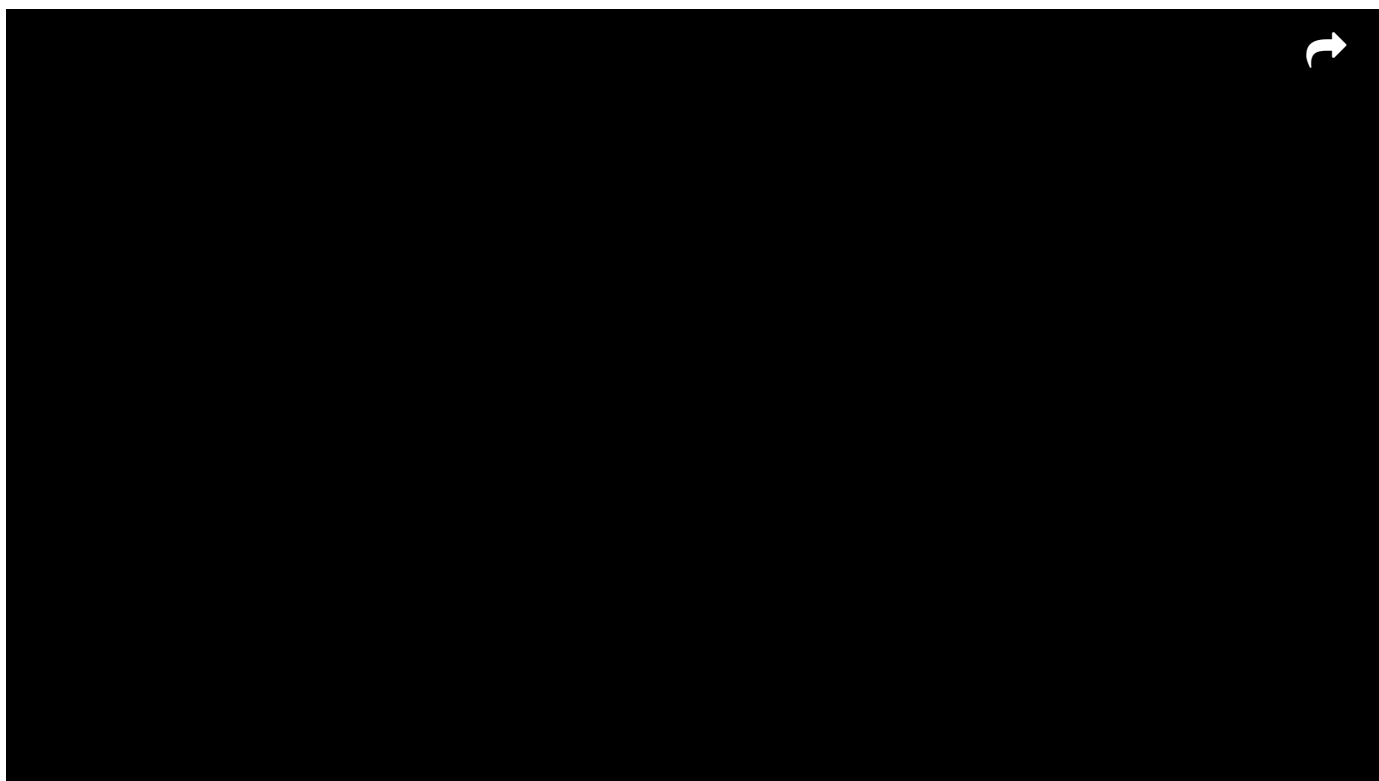
Boies said, in an affidavit, that he had not returned Dershowitz's phone calls because he felt that Dershowitz was trying to go around McCawley. But he reluctantly agreed to meet with

Dershowitz as a favor to Stone.

On May 19, 2015, Boies and Stone met with Dershowitz. Stone and other lawyers said that Dershowitz was eager to settle the matter by getting Giuffre to sign a document stating she was mistaken in identifying Dershowitz.

Beyond that, the content and context of those conversations is disputed, with Dershowitz insisting that Boies said he believed that Giuffre was “wrong, all wrong” — and with Boies and Stone saying nothing of the sort was said.

“Mr. Dershowitz has asserted that at a meeting on May 19 at which I was present, Mr. Boies stated ‘[Giuffre] was mistaken in naming me as someone with whom she had sex’ and that if ‘[Boies] failed to persuade her of that fact, he would leave her representation to Edwards and Cassell and no longer represent her.’ Mr. Boies did not say that on May 19 or at any other time I was present,” Stone said.



The girls who were abused by Jeffrey Epstein and the cops who championed their cause remain angry over what they regard as a gross injustice, while Epstein's employees and those who engineered his non-prosecution agreement have prospered. BY [MARTA OLIVER CRAVIOTTO](#) ✉ | [EMILY MICHOT](#) ✉ | [JULIE K. BROWN](#) ✉

Boies, in an affidavit, said he and the other lawyers thoroughly vetted Giuffre and believed she was credible. But as a precaution, Boies asked Giuffre to take a polygraph test, which she passed.

Boies and Dershowitz continued to have phone conversations — at least two of which Dershowitz acknowledges he recorded without Boies' permission. It is legal in some states to tape someone without their permission. Dershowitz says he didn't break the law.

"If this case comes to trial, a key witness will be David Boies, who told me in a recorded statement that his own client was 'wrong ... simply wrong' in accusing me because it would have been 'impossible' for me to have been in the places where she claims to have met me," Dershowitz said in a statement to the Herald.

"Boies can't be both a key witness, whose credibility is central to the case, and the key lawyer whose firm is litigating the case. He has no choice but to be a witness as a result of his exculpatory words."

Boies said Dershowitz's recordings were doctored and taken out of context.

"In June and July 2015, I had two meetings with Mr. Dershowitz and Mr. Stone and several telephone calls with Mr. Dershowitz in which Mr. Dershowitz argued that he did not have and could not have had, sex with Ms. Giuffre. After extensive consideration of everything Mr. Dershowitz told and showed me, I ultimately concluded that his denials were not credible," Boies said in a 2017 affidavit.

"Edwards and Cassell settled their defamation claim with Dershowitz in 2015. A judge ordered them to drop Giuffre's affidavit from the victims' rights case, and Dershowitz proclaimed victory, even though Boies has said the case was settled in Edwards' and Cassell's favor. Giuffre stood by her claims, and nothing in the judge's statement or the settlement addressed the truth or falsity of her allegations against Dershowitz.



This widely published photo of Virginia Roberts Giuffre with Prince Andrew bolstered her claim that she was loaned out for sexual purposes to famous men by Jeffrey Epstein. Copy Photo *COURTESY OF VIRGINIA ROBERTS*

The lawsuits continued, with Giuffre suing Maxwell in 2015, also for defamation. As part of that case, another woman, Sarah Ransome, came forward, claiming that Epstein and Maxwell also directed her to have sex with Dershowitz against her will when she was 22 years and being trafficked by the couple.

Dershowitz by then was accusing Boies and McCawley of extortion, claiming that they were part of the team of lawyers that concocted a plot to extort money from Wexner — another claim that Boies denies.

Wexner, 81, a longtime client of Epstein's, has not responded to the Herald's requests for comment.

In court papers, Boies has denied there were ever any demands or discussions involving money with Wexner or his lawyers.



A Boies partner based in Miami, Stephen N. Zack, however, said that starting in January 2015 there was a series of conversations and meetings between BSF lawyers and Wexner's attorneys. Boies personally attended one of those meetings on July 8, 2015, Zack stated in a 2017 affidavit.

"I have read Mr. Dershowitz's claim that there was a 'plot' and 'conspiracy' to extort Mr. Wexner. There was no such 'plot' or 'conspiracy,'" Zack wrote. "We requested information from Mr. Wexner's counsel. At no time in my conversations or in my presence did anyone make any threat or any demand for money or anything else of value from Mr. Wexner or his counsel."

It is unclear what those discussions involved, but Giuffre has not filed any claims against Wexner.

Dershowitz has nevertheless continued to publicize his theory about Wexner. In court documents, he has cited another prominent man, Nathan Myhrvold, 55, the former chief of technology of Microsoft.

Dershowitz theorizes that Giuffre has mistaken Dershowitz for Myhrvold, because, he says, Myhrvold looks similar. (Myhrvold has red hair, a beard and glasses.)

The Herald has been unsuccessful in reaching Myhrvold for comment. Myhrvold was among those in Epstein's circle of prominent friends who often dined at Epstein's palatial Manhattan home, according to a [2011 Vanity Fair article](#).

While Dershowitz publicly urged Giuffre and Boies to sue him for defamation — saying that he would welcome the case as an opportunity to prove his innocence — he is now asking the judge to dismiss the complaint, saying the First Amendment gave him the right to defend himself.

For his part, Boies said that Dershowitz is risking his own credibility, not only in this case, but in the court of public opinion.

"It's very dangerous to take one position publicly and another position in court," Boies said. "Eventually, both the public and the court figure out that you're lying and you lose your credibility in both forums and that's what he has been doing — trying to take one position publicly and another in court — and they are now clashing."

*This article has been updated to correct the last name of Elizabeth Holmes.*

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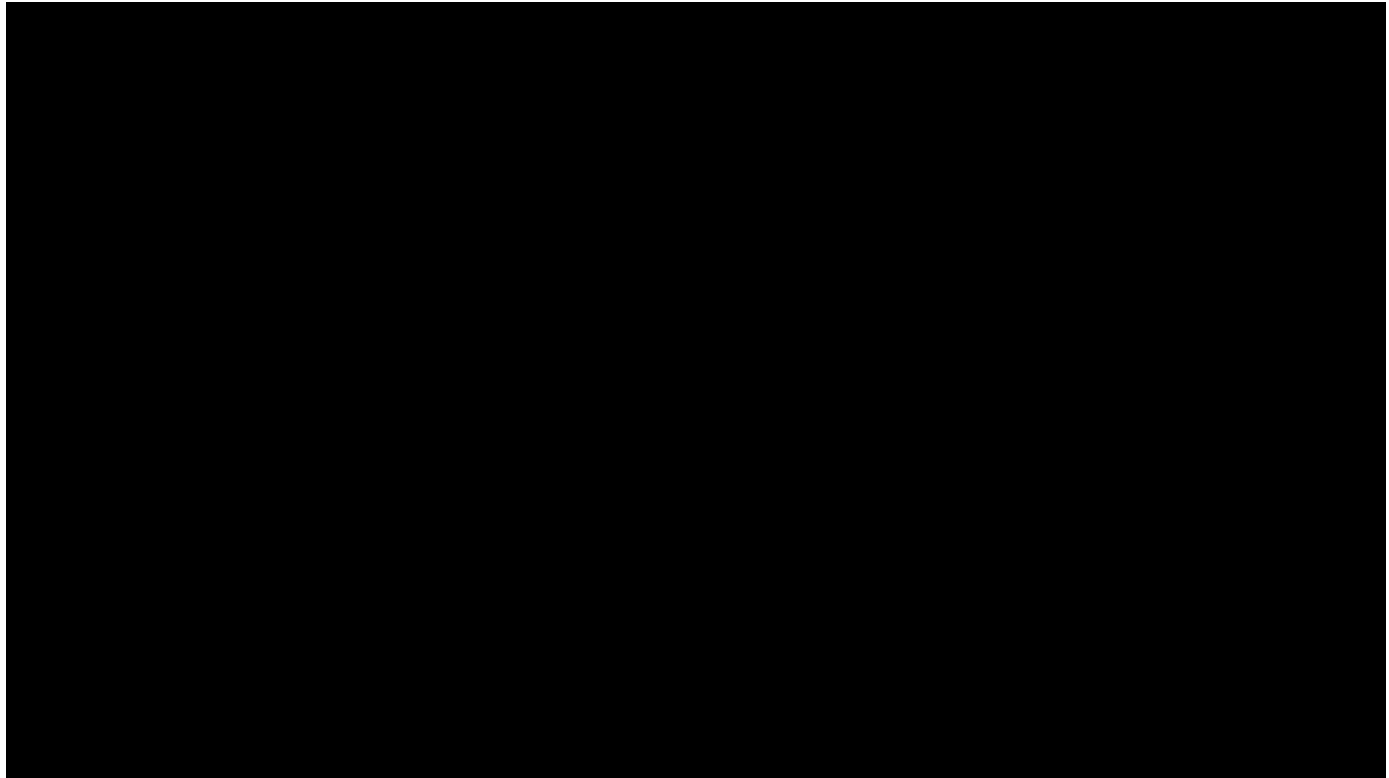
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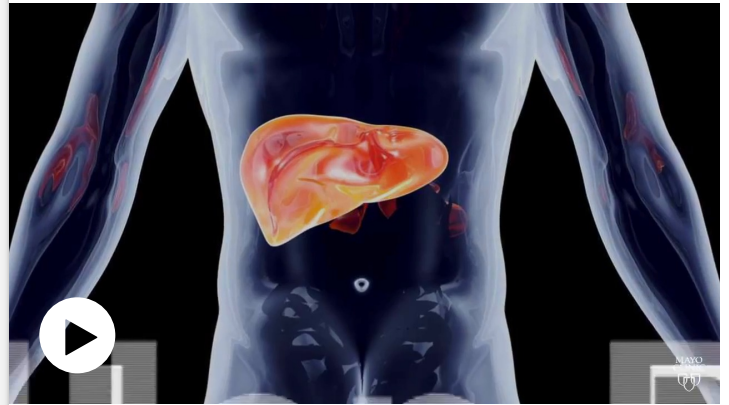
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# **Exhibit P**

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# Second woman claims billionaire perv Jeffrey Epstein 'directed' her to have sex with Alan Dershowitz



By STEPHEN REX BROWN

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Alan Dershowitz (pictured) denies allegations of a second alleged trafficking victim of Jeffrey Epstein. (John Lamparski / Getty Images for Hulu)

A second alleged trafficking victim of Jeffrey Epstein says the billionaire pedophile "directed" her to have sex with Alan Dershowitz — a claim the prominent attorney adamantly denies.

The revelation regarding Sarah Ransome's allegations against the 80-year-old lawyer who represented the notorious sex offender is included in a public transcript available in Manhattan Federal Court.

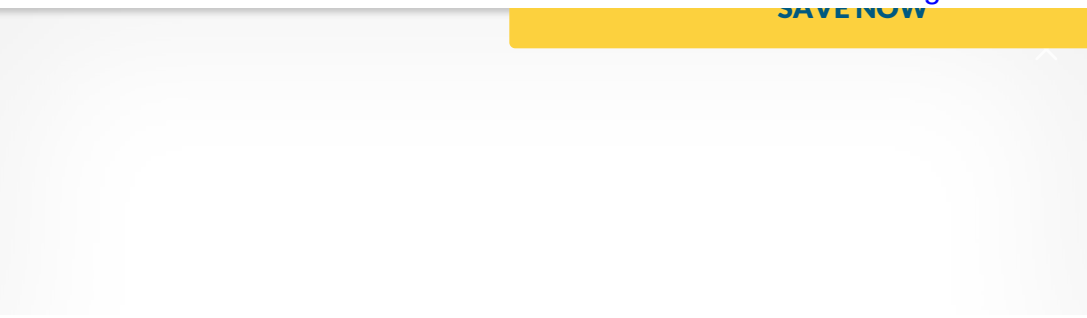


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Ransome has sued Epstein and his alleged madam, Ghislaine Maxwell, saying they trafficked her for sex from 2006 to 2007, while she was in her 20s.

During a Nov. 7 hearing on Ransome's case, Maxwell's attorney Laura Menninger mentioned the explosive allegation against Dershowitz.

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"(Ransome) has alleged not only that my client ran a sex trafficking organization but she claims also that she was directed by my client and the Epstein defendants to have sex with third parties, including Alan Dershowitz, for example," Menninger said.

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Ransome alleges in her suit that even as Epstein used an army of powerful attorneys — including Dershowitz — to fight a sex trafficking investigation in Florida, he continued "transporting young females" in New York.

Dershowitz furiously denied he'd ever met Ransome, who now lives in Barcelona, and said that "none of this happened." He slammed her as mentally unstable and said she'd bizarrely claimed to be in possession of a video of President Trump engaging in pedophilia and sex tapes of both Bill and Hillary Clinton.

Ransome is unwell and being manipulated by her high-powered attorney David Boies, Dershowitz said.

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Dershowitz, a noted Harvard Law professor, said Boies is furious about bar charges Dershowitz filed against him. Details of the charges were unavailable and neither side would go into detail. Dershowitz added that he eagerly awaited an opportunity to sue Ransome for defamation.

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"Alan Dershowitz's absurd attacks on me are consistent with his pattern of attacking every lawyer who has represented women who have accused him of sexual abuse," Boies said.

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"This is simply a pattern where he thinks if he is loud enough and crazy enough it will distract attention from what he's done."

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lives in Australia.

Roberts alleged that Maxwell recruited her for Epstein in 1998, when she was 15 years old and working a summer job at Trump's Mar-a-Lago resort. Roberts sued Maxwell for defamation, claiming the media heiress smeared her by denying the disturbing sex scheme.

[\[More New York\]](#) [Devilish behavior: Cops arrest homeless man for sucker-punching woman at Queens church »](#)

They [settled](#) the case last year. Dershowitz is now seeking to have documents in the case, which he says would clear his name, unsealed.

The Epstein case has received new scrutiny following a [Miami Herald](#) investigation that revived questions about the legal slap on the wrist the billionaire received from then-Southern Florida U.S. Attorney Alex Acosta.

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In a new letter filed in Manhattan Federal Court, Dershowitz's attorney writes that the law professor has been the victim of "selective leaking" intended to smear his good name.

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"Once again, Mr. Dershowitz – who has conscientiously and expeditiously pressed, through the judicial process, for disclosure of all documents in the case – has been the victim of one-sided and selective leaking of materials," attorney Andrew Celli wrote.

Dershowitz – who recently lamented he'd become persona non grata on Martha's Vineyard for his support of Trump – says that Roberts is the likely leaker.

She alleged in 2014 that Epstein "trafficked" her to Dershowitz and Prince Andrew for sex – a claim that has since been stricken from the record.

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"The allegation is utterly false and defamatory: Mr. Dershowitz has never even *met* Ms. Roberts . . . records prove that Mr. Dershowitz *could not have* abused Ms. Roberts because he was not present in the places where she claims such abuse occurred," Celli wrote.

Prince Andrew also denied the allegation. Roberts settled her claims against Epstein in 2015.

The Herald's investigation highlighted the unusually cozy relationship between Epstein's legal team and Acosta, who gave the sex offender a generous plea deal. Epstein only served 13 months in a private wing of the Palm Beach County jail despite ample evidence he'd orchestrated an international sex trafficking operation, the Herald reported.

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Jeffrey Epstein (second from left) in custody in Florida in 2008 (Uma Sanghvi / AP)

Epstein, a hedge fund manager with a mansion on the Upper East Side and a private Caribbean island, was once friends with the likes of Bill Clinton, Kevin Spacey and Woody Allen, among other celebs and business titans.

"I've known Jeff for 15 years. Terrific

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said of Epstein in 2002.

The new scrutiny of the Epstein case prompted Dershowitz to tell [Axios](#) that the billionaire had once let him and his family stay at his Palm Beach home.

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"He lent us his house once. And I was there, my grandchildren were there, my daughter was there, and we all got massages," Dershowitz told the site.

"It was therapeutic. I had a therapeutic massage with an old old Russian. . . . Believe me, if I had known that anything improper had ever taken place in that house, I never would have allowed my children, my grandchildren, my wife, my daughter-in-law, my son, to have spent time there."



**Stephen Rex Brown**

New York Daily News



Stephen Rex Brown is a reporter covering New York City courts for the New York Daily News.

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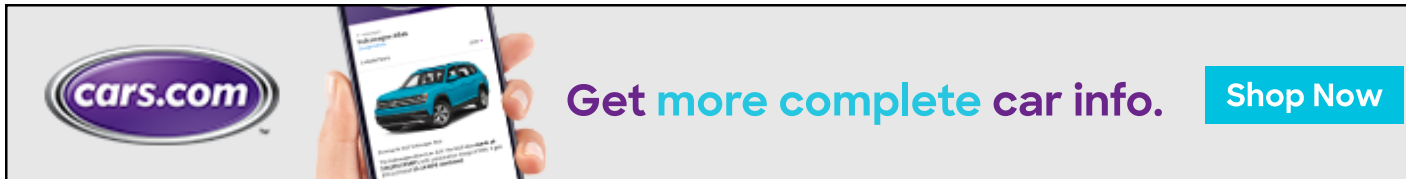
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